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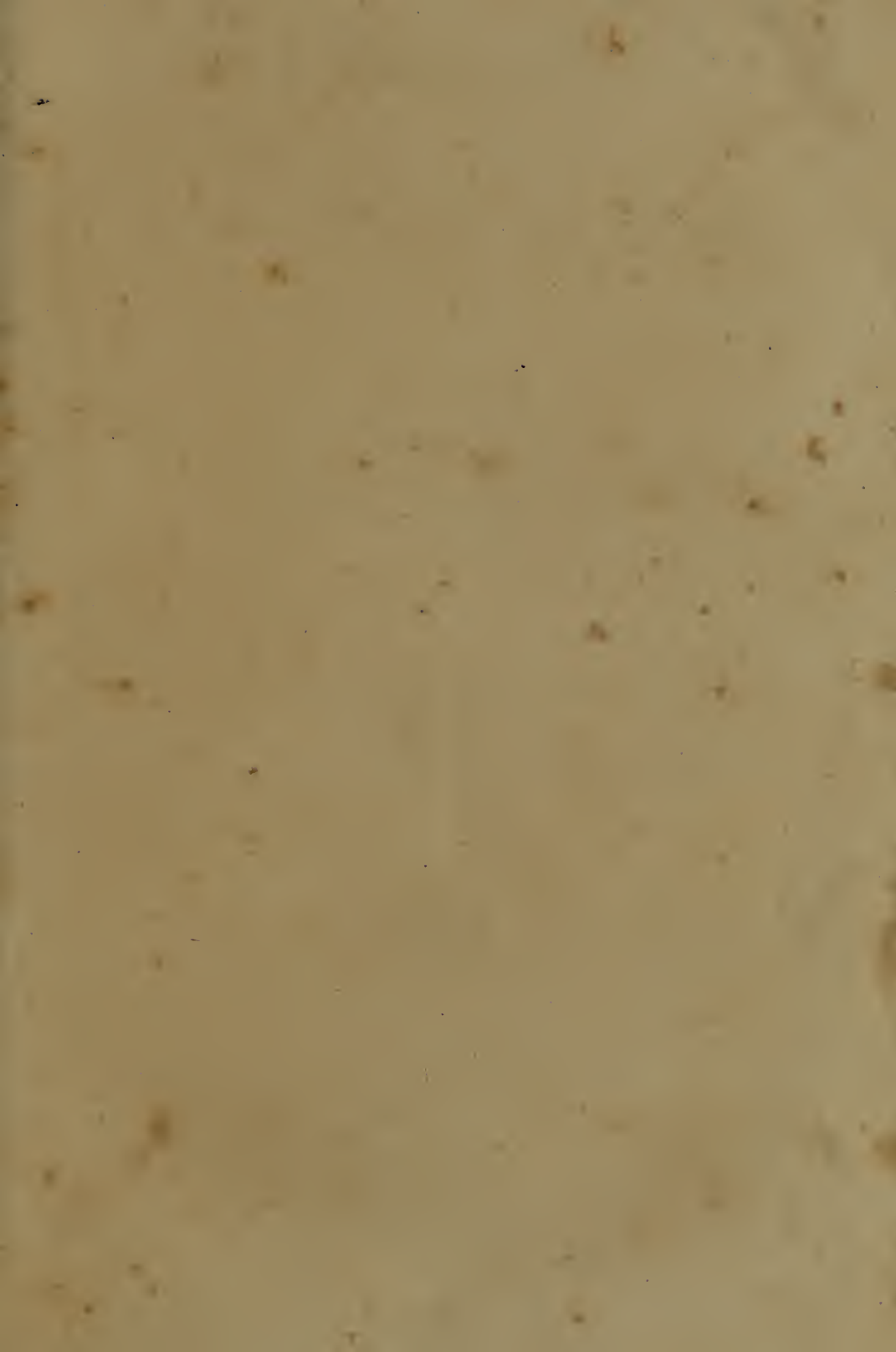
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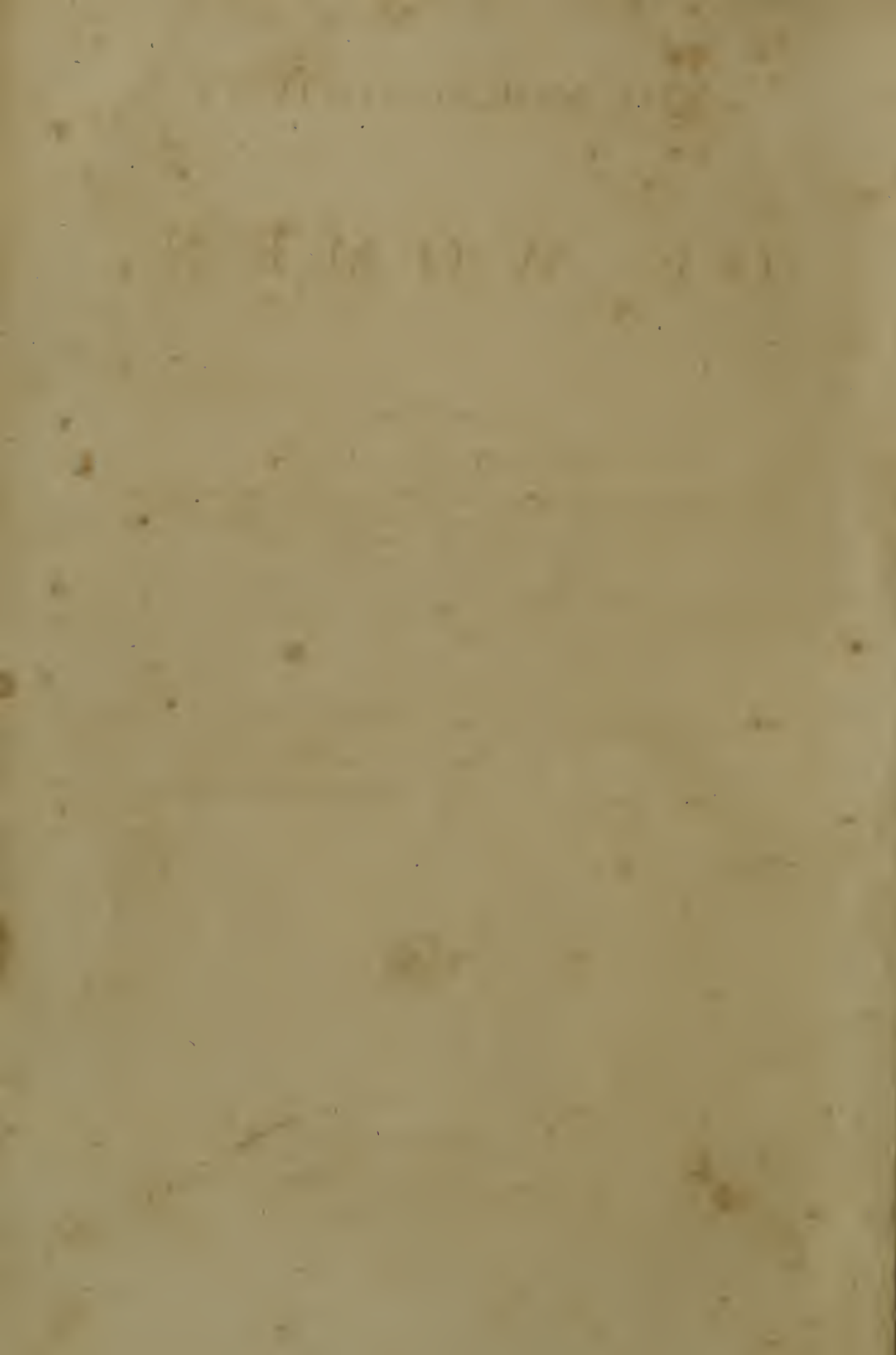
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THE MORAL HISTORY OF WOMEN.

From the French of
ERNEST LEGOUVÉ,

OF THE *Académie Française*, LECTURER IN THE COLLEGE OF FRANCE, AUTHOR OF
"EDITH DE FALSEN," "LES MORTS BIZARRES," "LES VIEILLARDS,"
"ADRIENNE LECOUVREUR," "MEDÉE, A TRAGEDY,"
ETC., ETC., ETC,

Translated from the Fifth Paris Edition, by
J. W. PALMER, M.D.,
Author of "The New and the Old," "Up and Down the Irrawaddi," etc.



NEW YORK
RUDD & CARLETON, 130 GRAND STREET,
PARIS: GUSTAVE SANDRÉ.
M DCCC LX.

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TRANSLATOR'S PREFACE.

THE author of the "Moral History of Women" was born in Paris on the 15th of February, 1807. His father, to whom this work is dedicated, wrote the "*Mérite des Femmes*," in allusion to which the son has said, "I experience a fresh delight, in feeling that a new bond is thus formed between him and me, and that, in the feeble measure of my forces, I continue his thought; it is the '*Mérite des Femmes*' which will perhaps cause this history to be read."

Legouvé's first production, a poem on the Discovery of Printing, won for him the prize of the French Academy in his twentieth year. He next published (from 1833 to 1840) a series of romances, consisting of *Max*, *Les Vieillards*, and *Edith de Falsen*, which, however, attracted but little attention; his reputation rests chiefly on his dramatic works, which secured his admission to the *Académie Française*, where he has replaced Ancelot. His first piece, *Louise de Lignerolles*, a prose drama in five acts, written in conjunction with Prosper Dinaux, furnished Mlle. Mars with one of her latest parts. Subsequently he wrote, with Scribe, *Adrienne Lecouvreur*, well known by the great Rachel's personation of

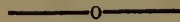
the heroine. To that succeeded the *Bataille des Dames* and *Les Contes de la Reine de Navarre*—both prose comedies. He also wrote for Rachel a five-act tragedy, entitled *Medée*, which after prolonged deliberation she absolutely refused to play; whereupon he sued her and recovered damages, which he divided between the Society of Men of Letters and that of Dramatic Authors. Translated into Italian, *Medea* was produced in 1856 at the *Théâtre Italien* in Paris, with Ristori in the leading parts; and subsequently with complete success in the principal capitals of Europe. Miss Matilda Heron, now Mrs. Stoepel, has performed in an English version of it in the United States; and in the estimation of many able critics of the drama, she owes her true reputation rather to her *Medea* than her *Camille*.

Legouvé is also the author of three comedies, remarkable for their keen satire, and purity and elegance of style—*Par Droit de Conquête*, *Le Pamphlet*, and *Les Doigts de Fée*. His remaining works consist of *Guerrero, ou la Trahison*, a tragedy in verse, not yet represented on the stage; a translation of the “Prometheus Bound” of Æschylus; *Les Morts Bizarres*, a dramatic poem; and a variety of articles in French periodicals.

This “Moral History of Women” is the substance of a course of impressive lectures delivered by him at the College of France: in it he is learned, earnest, eloquent, and chaste; and teaches us to look *to* those matters which we are content, for the most part, merely to look *at*.

NEW YORK, August 20, 1860.

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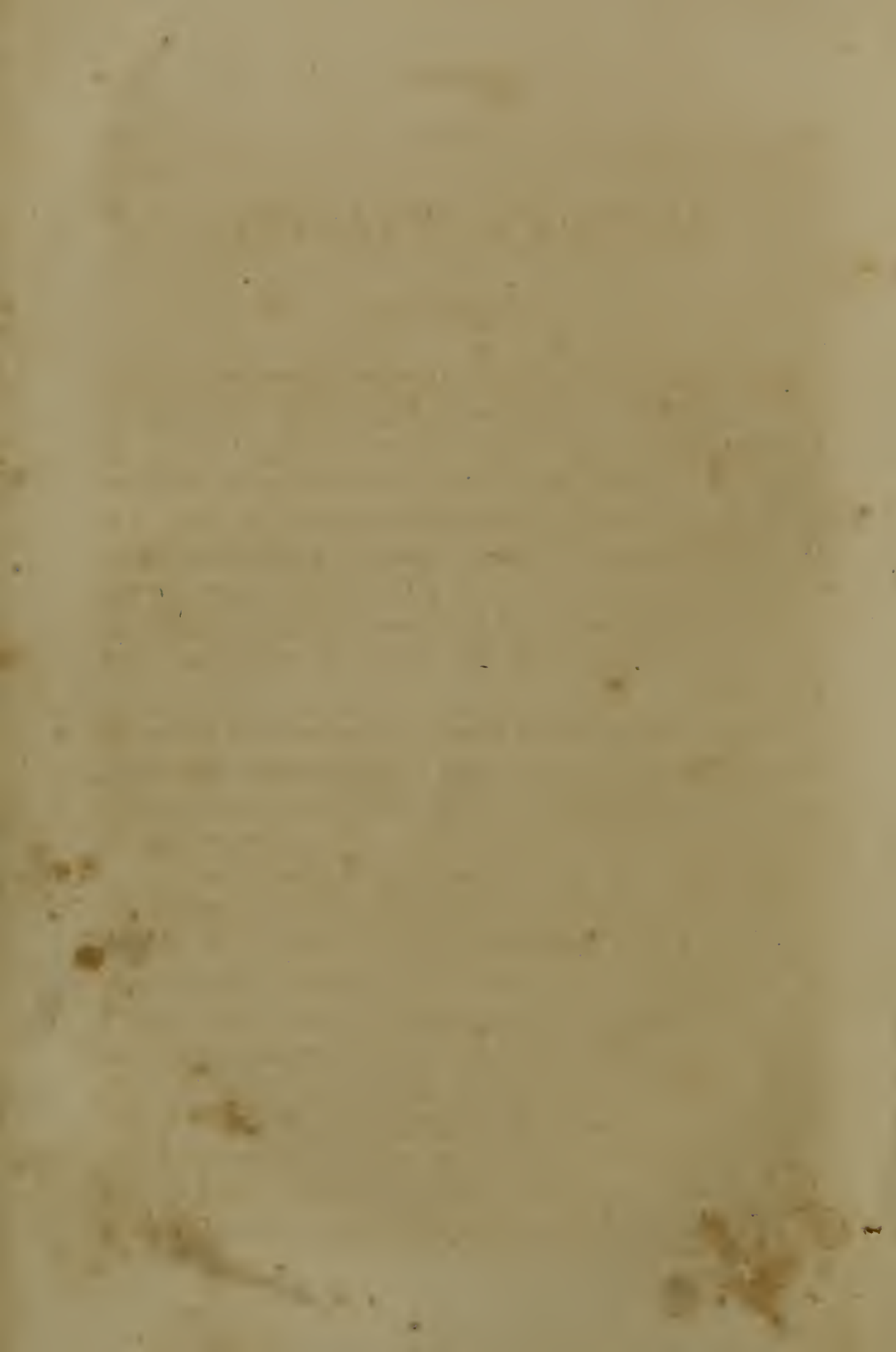
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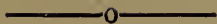
"Strange and passing strange, that the relation between the two sexes—the passion of Love, in short—should not be taken into deeper consideration by our teachers and our legislators! People educate and legislate as if there was no such thing in the world; but ask the priest, ask the physician: let *them* reveal the amount of moral and physical results from this one cause.

"Must Love be ever treated with profaneness, as a mere illusion? or with coarseness, as a mere impulse? or with fear, as a mere disease? or with shame, as a mere weakness? or with levity, as a mere accident? Whereas it is a great mystery and a great necessity, lying at the foundation of human existence, morality, and happiness—mysterious, universal, inevitable as Death. Why, then, should love be treated less seriously than Death? It is as serious a thing. * * * Death must come and Love must come—but the state in which they find us? whether blinded, astonished, frightened, ignorant; or like reasonable creatures, guarded, prepared, and fit to manage our own feelings? This, I suppose, depends on ourselves; and for want of such self-management and self-knowledge, look at the evils that ensue! Hasty, improvident, unsuitable marriages; repining diseased or vicious celibacy; irretrievable infamy; cureless insanity; the Death that comes early, and the Love that comes late—reversing the primal laws of our nature."

MRS. JAMESON.



AUTHOR'S PREFACE.



THE Religion of the Family, a profound appreciation of the joys it imparts, a conscientious inquiry into the duties it imposes, these inspire me to this undertaking; that is to say, it is conceived quite apart from party-spirit, and rests solely upon sentiments general and common to all men. Yet the Moral History of Women touches our political and social organization at more than one point; but a stranger by my studies to these questions, I have been obliged to embrace in my theme only that which has relation to morals and civil institutions.

Though confined within these limits, my scope is still wide, and I do not flatter myself that I quite complete it. Many years of study and reflection have taught me to avoid certain inherent defects in the arrangement of the subject, and in the subject itself. Obligated necessarily to appeal to history for evidence, and to seek support for my cause in the facts of the past, shall I not, sometimes, in spite of all my pains, have altered somewhat the character of those facts, misconceiving the spirit of such or such a period—in short, turning history to my own account? I fear so. Commissioned to defend the rights and interests of women, may I not sometimes have assailed too vehemently the adverse side? This also I fear.

Let scholars then point out my errors, in order that I may correct them. Let all men pardon the evil I have been obliged to say of them. It is probable that I have not felt as much

as I have uttered, but when a man has in his heart the deep sense of an injustice he can scarcely answer for himself that he will not be unjust towards him who commits it.

This is not all. In my path I have encountered two yet greater perils.

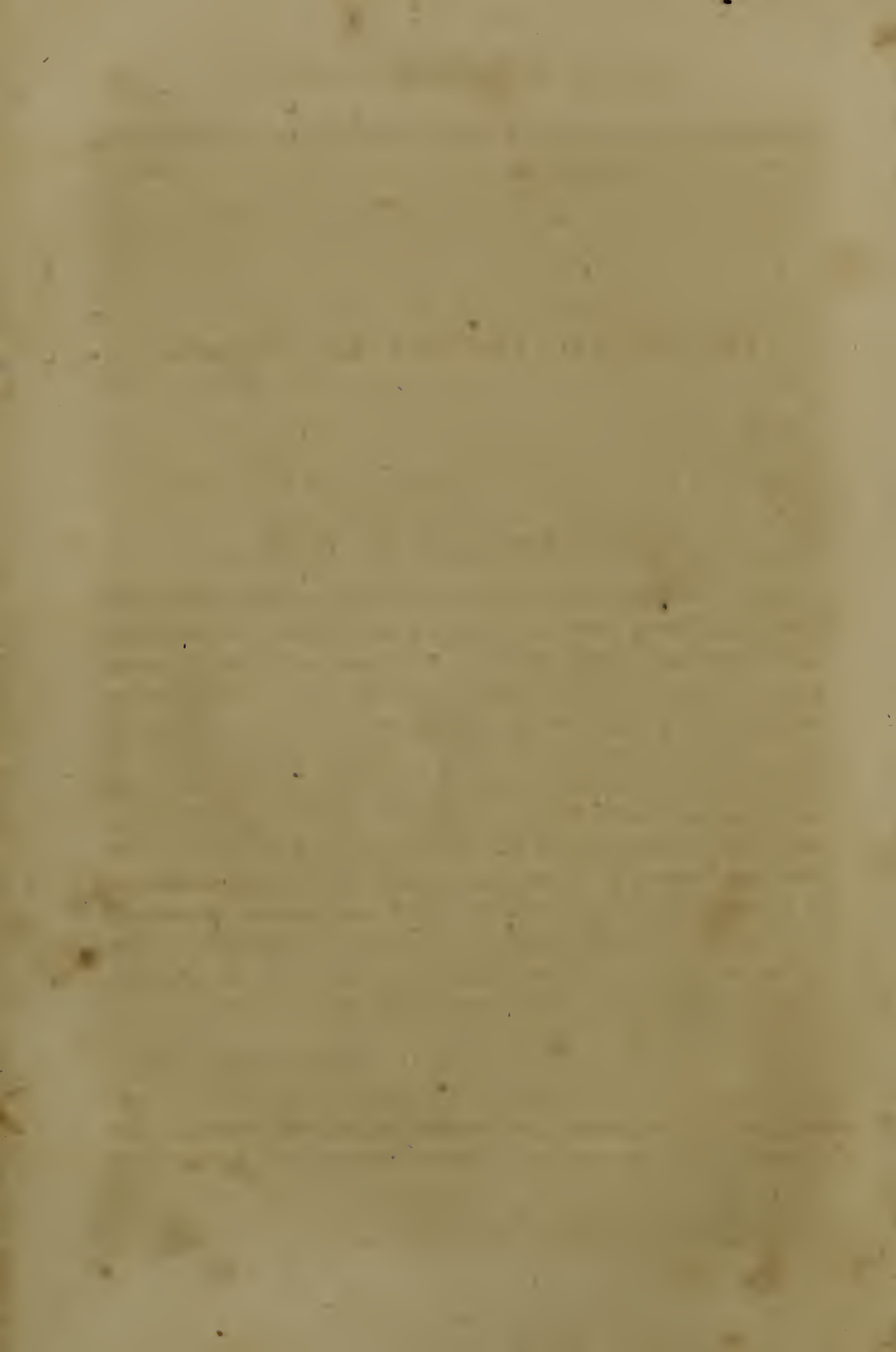
In the first place, how shall I claim the legitimate privileges of the wife, and present even a palliated picture of marital supremacy, without implanting in some households the seeds of agitation, and perhaps discord? This difficulty is real. On the one hand, I could not consent to pass over in silence the errors of the conjugal code, since, in my opinion, there lies the evil; and on the other hand, I should reproach myself bitterly with irritating a wound for which I seek a balm. To reconcile these two duties, I am ever solicitous to restrain and remonstrate with the "superior" rather than excite the subordinate. I have said less to women of their rights, than to men of their duties. If, nevertheless, in spite of all my efforts, an irritating picture is presented by my pen, I ask the impartial reader to correct this effect of the detail by the general sentiment of the whole; that sentiment, I am sure, is a most earnest love for the harmony of Home, and an ardent desire for complete coalition in marriage. Why may not such a desire be found in my work since I feel it so deeply in my heart?

Furthermore, this Moral History of Women brings me, by the very nature of the subject, to treat of certain very delicate matters, whereon the natural sensibility of women often dreads to dwell. Full of respect for this feeling of reserve, I have always avoided such disclosures when they did not seem indispensable. When I have believed them necessary, my only course has been to approach them with simplicity and earnestness—as I felt. In such cases the propriety consists entirely, in my opinion, in the genuineness of the expression and the purity

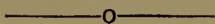
of the motive; a modest woman may listen to anything that an honorable man can say.

One word more: The ideas upon which this book is based have been the subject of a course of public lectures, delivered by me in the College of France. For three months the ardent sympathy of my youthful audience followed and sustained me in the difficult path I ventured on. I here transcribe the words which served me for a valedictory; they will be at once the truest expression of my gratitude, and a natural introduction to this Moral History of Women.

“When I was inaugurated in this chair,” I said to them, “I was asked on all sides, ‘What are you doing? Beginning, before young men, a course of lectures on the Moral History of Women! presenting seduction to them as a crime! branding adultery in the husband as an impropriety! They will not listen to you.’ They will listen to me, I answered; not because my voice is eloquent; but they are all sons, or brothers, or husbands; and when I shall say to them, Respect all young women as you would wish others to respect your sisters! be to all women as you would have others be to your mothers! treat your wives as you would wish your daughters to be treated!—they will listen to me, although I may be but a plain man.—And you have listened to me, gentlemen; you have heard me, gentlemen; and I owe it to you to say that the more earnestly and severely I have censured the faults which belong to your years, the more sympathetic and cordial has been your attention. I thank you on your own account, as well as on mine. I return to obscurity; but I return there with two feelings which are worth everything to me: the remembrance of this short but sincere fellowship with you, and the hope of having added to the treasure of honor and justice that each of you has in his soul.”



THE MORAL HISTORY OF WOMEN.



General Design of the Work.

THIS work has for its object to investigate the actual condition of French women, according to laws and to manners, by comparing it with what it has been, and by inquiring what it may be. No history presents, we believe, more unrighteous prejudices to combat, more secret wounds to heal. Shall we speak of the past? Crippled then, not only in their bodies, but in the purest gifts of Providence, in their souls, their understanding, their dignity—disinherited for a long succession of centuries of the right to act and to live, we find them condemned to fill as subordinates the sacred characters of daughters, wives, mothers. And condemned by whom? By their natural protectors. It was their fathers who disinherited them, their husbands who oppressed them, their brothers who robbed them, even their own sons who domineered over them.

Shall we speak of the present? Of yesterday? What even of to-day? * Daughters—no public education for them, no professional tuition, no possible life without marriage, no marriage without dowry. Wives—they do not legally pos-

* I do not pretend to deny that there are happy exceptions, individual enfranchisements; but here the rule, the law, alone concerns us.

sess their property,* they do not possess their persons, they cannot give, they cannot receive, they are under the ban of an eternal prohibition. Mothers—they have not the legal right to direct the education of their children, they cannot marry them, nor prevent their being married, nor exile them from the parental abode, nor retain them there. Members of the commonwealth—they have no power to be guardians of other orphans than their sons, or their grandsons, nor to take part in a family council, nor to witness a will; they have not the right to testify in the state to the birth of a child. Among the working people what class is most wretched? Women. Who are they that earn from sixteen to eighteen sous for twelve hours of labor? Women.† Upon whom falls all the expense of illegitimate children? Upon the women. Who bear all the disgrace of faults committed from love? Women!

Among the richer classes are women more fortunate? Not always. Incapable, generally, by their insignificant education, of rearing their children, of associating in the affairs of their husbands, weariness consumes them, idleness kills them, all the petty passions produced by this same idleness eat out their minds; always slaves, slaves of want, slaves of riches, slaves of ignorance, they are only able to maintain themselves great and pure by dint of innate nobility, and virtues almost superhuman. Can such bondage endure? Evidently not; it necessarily falls before the principles of natural equity, and the hour has come to demand for women their share of rights, and, above all, of duties; showing what servitude takes from them, and what a true liberty should restore to them; exhibiting the good that they do not perform, and the good they are able to do.

* Every one of the facts alleged in this enumeration will be proved by the very text of the law, as we unroll before the eyes of the reader the diverse phases of the life of woman.

† We will resume the consideration of this fact, and cite statistics afforded by all political economists.

I do not conceal from myself the difficulties of the attempt, and the perils which may emanate from such reforms.

Our path lies between two dangers; on the one hand, the romantic and socialistic Utopia which, to make the woman equal to the man, demands nothing better than to assimilate her to him—that is to say, which, under the pretext of setting her free, degrades her. For I solemnly declare that the theory of the *femme libre* appears to me as fatal as stupid; I would rather see woman eternally subordinate, as she is at present, than see her free by such a liberty. At least, now she is under the yoke only of laws and of men, that is to say, of something which is not herself; but as *femme libre*, she would be a slave to her own passions, a slave to her body and her vices; the thralldom is to be preferred to the degradation.

On the other hand, as often as it is proposed to modify the condition of women, voices solemn and earnest arise which predict the ruin of Home. The ruin of the Family! Ah! who will dare to lay hands upon that sacred arch? Without Home what would become of women? Without Home what would become of men? Without Home what would become of France, the world itself? Only Home can teach morality to the rich and the poor. By the Home, and in the Home, not only is organized that natural life which nourishes the body, but the life very differently fruitful, in the heart that loves, in the perception that expands the character, which is purified by devotion—all that inner life which tends towards the Beautiful and the Good. Therefore, a book in which a line, only one line, assailed the Home would be wicked. Happily it is the interest of Home itself, for its stability and moral greatness, that most imperiously demands an amelioration of the condition of women.

To convince oneself of this, it will suffice to show, by a rapid sketch of the history of our Civil Code, what place the companion of man has occupied in the thoughts of our legislators, what station they have assigned to her in life.

The French Revolution, which overthrew everything to en-

franchise men, did nothing, so to speak, for the emancipation of women. Except the abolition of the birthright, which concerned the younger sons as much as the daughters, "Ninety-one" preserved almost all the feminine disabilities of "Eighty-eight," and the Consulate confirmed them in the Civil Code.

Why this contradiction in the Republican Code? Why this injustice in the Consular Code? Their philosophical origins explain it.

The genius of the Eighteenth Century was the inspirer of the Revolution, and the Eighteenth Century is epitomized in four illustrious thinkers—Montesquieu, Rousseau, Voltaire, Diderot. Now all four were, each in his own way, hostile to the development of women, indifferent or blind to their true qualities.

Diderot,* in preaching to them the brutal sensuality of Otahiti, degraded them by liberty itself.

Voltaire, who spoke with much detail on every subject, has not one special line in behalf of women; and if he once broke this disdainful silence, it was to sacrifice them all in the person of her who devoted her life to him. Everybody knows his bitter satire upon Madame Duchâtelet.

Montesquieu† has demonstrated his ideas upon them in this phrase in the *Spirit of Laws*: "Nature, which has distinguished men by strength and reason, has set no limit to their power but reason and strength. She has given to women charms, and has desired that their ascendancy should go no further than those graces." This is the dogma of the Infallibility of the Pope applied to the husband.

Rousseau, in spite of his spiritualism, yielded to the spirit of his century, and in the fifth part of *Emile*, dedicated to woman, a charming morceau of tact, grace, and depth, he concludes, in spite of himself, thus: "Woman is made expressly to please man; if man must please her, in his turn, it

* *Supplément au Voyage de Bougainville.*

† *Esprit des Lois*, liv. xvi., ch. 2.

is a less positive necessity; his charm lies in his power; he pleases by that alone, that he is strong."

Thus, woman is, according to Diderot, a courtesan; according to Montesquieu, an agreeable child; according to Rousseau, an object of pleasure for men; according to Voltaire—nothing.

The Revolution broke out; two eminent minds, Condorcet* and Sièyes,† demanded, one in the Assembly, and the other through the press, the domestic and even political emancipation of women; but their protestations were stifled by the strong voices of the three great exponents of the eighteenth century, Mirabeau, Danton, and Robespierre.

Mirabeau, in his work on Public Education,‡ takes ground decidedly against the admission of women to any social office, and also against their presence in any public assembly.

Danton, the sensualistic disciple of Diderot, saw little in them except sensuality.

Robespierre§ directly opposed, and caused the rejection of, the proposition of Sieyès, and afterwards not a line from his pen, not a word from his mouth, went forth to protest against the dependence of woman in the family. The great apostle of equality forgot in his plan of emancipation only half of the human race.

At last comes the Civil Code. It was conceived and discussed under circumstances fatal to women. It emanated from the Directory; their imaginations were possessed of the thousand disorders into which women had plunged. The moment was not favorable to an appeal for their enfranchisement, and the general temper of the thinkers and legislators was still less favorable. While on one side the party of the

* *Journal de la Société*, of 1789.

† I have not been able to find in the *Moniteur* the discourse of Sièyes; but it is under the date of '91, in the remarkable work of M. Lairtuillier on the *Women of the Revolution*, Introduction, p. 18.

‡ P. 39, et seq.

§ Lairtuillier, *Femmes de la Revolution*, Introduction, p. 18.

Ancient Regime proclaimed, by the mouth of its philosopher, M. de Bonald,* that "men and women are not equal, and never will be able to become so," what were the representatives of the new regime, the seven or eight codifiers in the Council of state? Jurisconsults, entirely impregnated with the arid spirit of the Roman law, philosophers, disciples of Montesquieu, or of the sensualistic school of the eighteenth century; † accomplices at first, then pitiless accusers of the excesses of the Directory, and at last Bonaparte. Female liberty had not an adversary more determined; a Southern man, the spirituality of women was not perceived by him; a man of war, he saw in the family a camp, and there required, before everything else, discipline; a despot, he saw therein a state, and demanded, before everything else, obedience. He concluded a discussion in council with these words: "There is one thing which is not French; it is, that a woman can do what ‡ she pleases." When they drew up article 213 ("The Woman owes obedience to her Husband"), Bonaparte required that the Mayor, in uttering these words before husbands, should array himself in an imposing costume, that his tone should be solemn, and that the austere draping of the hall, lending to the enunciation of this maxim a terrible authority, should impress it for ever in the heart of the bride. Again, in the celebrated debate upon the question of divorce for incompatibility, he alone influenced the opinions of the council to the adoption of the article, and his arguments all bore, not upon the necessity of releasing woman from the despotism of the husband, but upon the need of furnishing to the deceived husband an honest pretext for delivering himself from a wife who had betrayed him. Always man,

* *Du Divorce et de la Société domestique*, p. 72.

† Far be from us the thought of attacking our Civil Code as a whole; it is an imposing legislative monument; but every human work has its weak side, and the weak side of the Code is its morality.

‡ Thibeaudeau, *Memoires sur le Consulat*. These Memoirs are very important to consult; because they alone give the very words of the First Consul.

always the honor of the man—as to the welfare of the woman, that is not the question in a single instance.

Prompted by such philosophers, conceived by such legislators, managed by such a statesman, the *rôle* of woman may be foretold in advance; a nobody in the commonwealth, a subordinate in the family.

Is this subordination necessary? is it legitimate? That is the question.

The adversaries of women say: woman obeys because she ought to obey; the proof that she ought to obey is that she does obey. That which has been in all times a human institution shows itself, by this alone, to be a divine institution, and a subordination which has always endured is just subordination, for it is sustained by the very feebleness of the subordinated. Therefore he who has actually made woman subject, is he who has made her inferior—God! and in maintaining this subjection we conform to the nature of beings as well as to the will of Him from whom they proceed.

Superficial disciples of those grave theorists, the men of the world, support this doctrine by disguising it under an ironical adoration. It is in the name of the graces of women that they protest against the amelioration of their condition; to educate them is to deform them; they are not willing that their playthings should be spoiled. Recognising, according to the doctrine of Rousseau, no destiny for women except that of pleasing men, they treat them somewhat like the flowers to which they always compare them; inhaling their perfume, praising their beauty, then casting them aside when the one is dissipated, and the other faded: such is their system. Now two-thirds of the life of a woman passes away while she does not yet possess these charms, and when she has them no longer; her fate, thanks to them, is described in two words: Expecting and Regretting.

For the support of these two doctrines they advance two sacred principles: “Innovate, agitate,” say they, “gentlemen Utopians! As for us, we are doing what our fathers did before

us; we are the men of Tradition. Recreate woman in the likeness of man; as for us, we maintain the difference established by the Creator. We are the men of Nature."

Tradition and Nature! How shall we resist such imposing authorities? How? By proving that they themselves plead for women.

We may reply to the first: How does tradition concern us? How does history concern us? There is an authority higher than the agreement of mankind: it is THE RIGHT. Though a thousand more centuries of servitude should be added to those which have already passed, their accordance could not abolish the primeval right which decides everything—the absolute right of perfecting oneself, which every human being has received from the mere fact that he has been created. Before our revolution, certain isolated thinkers interested themselves only in the liberty of blacks; the idea of their emancipation dates back little more than half a century. Is that as much as to say that their right to liberty did not exist sixty or eighty years ago, and that it began only when Penn and the Convention began to speak of it? The unanimity of mankind on the subjection of woman proves but one thing—the protraction of the servitude, and consequently the imperative necessity of providing for her deliverance.

As legitimate as this argument may be, let us set it aside and say, with the theorists of Tradition: yes, every reform has drawn its force, and its legitimacy, from its connexion with that which preceded it; to ignore its past is to deny itself. *Dies posterior prioris est discipulus*: To-day is the pupil of Yesterday.

Here are the three principles of this theory; what must we conclude from them on the question of women? That it is necessary that we hasten to co-operate in their enfranchisement, for their history offers only an uninterrupted series of successive emancipations, and their present condition, which is subjection as compared with the future, is liberty as compared with the past. Behold then the men of tradition,

becoming in spite of themselves, the men of progress; such progress is tradition.

Nature remains—that is, the *difference*. (I mean by difference, all the qualities peculiar to man and woman which cause them to differ.) God forbid that, imitating certain socialists, we should be disposed to deny it, and pretend to assimilate women to men; that would be the surest means of enslaving them; for a being displaced from his natural position is necessarily degraded, and so enslaved. Yes, woman appears to us a creature profoundly unlike man; but far from discovering evidences of inferiority in this dissimilarity, we find in it even a reason for her elevation to a higher condition. Indeed one of two things is certain: either the life of women is bounded by the domestic hearth, and it is ordained that there is their kingdom—in which case, in the name of the difference, we say, if there is their kingdom, then there they should be queens, their appropriate functions endow them there with authority, and their adversaries are forced by their own principles to emancipate them, as daughters, as wives, as mothers;—or, on the contrary, their sphere of influence should be extended, and a position should be assigned to them in the State (and we believe they should have one). Well, it is in this very dissimilarity that it behoves us to seek for it. When two beings are valuable to each other, it is almost always because of their unlikeness, not because they resemble each other. Far from deposing man, the mission of woman is to do what the men do not do, aspire to vacant places—in fact to represent in the community the Influence of Woman.

Thus the design of this book is summed up in these words: To demand the emancipation of women, even in the name of the two great principles supported by its adversaries: Tradition and Dissimilarity—that is, to demonstrate in tradition, progress; and in difference, equality.

This design is found to accord entirely with history, with conscience, and with nature;—with history, it establishes that woman has always tended towards liberty; with conscience,

what she ought to tend thither; with nature, that she ought to attain it by a route other than that taken by man.

Guided by this principle, let us advance without fear. God has created the human species double,—we make use of only one half; Nature says two, we say one; we should speak like Nature. Unity itself, instead of being thus destroyed, would only then be true unity—not the unprofitable absorption of one party for the advantage of the other, but the living fusion of two fraternal individualities, increasing their common power with all the force of their individual development.

Thus, the State will be benefited as well as the Family.

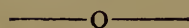
The feminine soul is smothered, not extinguished; it still lives, and secretly bursts forth. We cannot paralyse at our own will a force created by God, extinguish a flame lighted by His hand; but diverted from its purpose, the force, instead of creating, only destroys; the flame consumes instead of giving light.

Let us then throw open, by wide doors, the entrance of the world to this new element; we have need of it. Besides the words, Equality and Liberty, our flag bears the sublime word, Brotherhood; but it does not suffice that this word is written upon a shred of cloth, it does not suffice that it pass into the laws—in the hearts of men it must be written. Women, alone, can be the missionaries of this word. (Liberty and Equality are masculine ideas—that is to say, jealous, suspicious, and speaking only in the name of rights. Fraternity speaks in the name of love, and fraternity is the very soul of woman.) May this soul then be mingled with the general life of France; may it animate homes; may it circulate in society; may it soften, may it appease, may it reconcile! The apostleship of modern society will not lack Saint Peters, ready to draw the sword upon the enemy; nor Saint Pauls, thundering by the Word: but we also need the touching voice of the Beloved disciple, the heart-brother of Jesus; of him who said, Love one another! Oh! divine Saint John, thy only lawful heirs are women.

DIVISION OF THE WORK.

Women are daughters, wives, mothers, members of the commonwealth. Our work will follow these four grand natural divisions, subdividing like them into as many chapters as each of these conditions presents distinct phases; but in every chapter we shall demonstrate the past, the present—and with all the reserve that our insufficiency enjoins upon us, the future.

BOOK I.—THE GIRL.



CHAPTER I.

BIRTH.

HERE is a bed of pain—a bed bare, and rude for the rich as for the poor, for the people of the North as for them of the South; for it *must be* a hard bed for so hard an operation. A woman is in labor—near her her anxious husband, her trembling mother, the silent physician; all eyes are turned towards him; they wait; suddenly a feeble cry is heard, the first utterance of human life—a child is born. “What is it? what is it?” they eagerly inquire. “It is a girl.”

For how many ages, in how many nations, have these words, “It is a girl,” been words of sorrow, even a title of shame!

Among the Jews, a woman* who had given birth to a child was excluded from the sanctuary for forty days if it was a son; but if a daughter, for eighty days. In India, the reproach cast upon the new-born daughter was a part of their theology. The Indian religion ascribed to the advent of children strange and sacred influences. By a touching bond the generations were made responsible for each other. A man’s own good or bad actions did not suffice to conduct him after death to an abode of joy or of misery; his salvation

* Leviticus xii. 1–5.

did not depend on himself alone, but on his descendants also, and the spirit of an ancestor wandered disconsolate, near the abode of the blessed, as long as his children had not performed in his honor the funeral sacrifice of *Sraddha*. Now this pious oblation, this work of salvation, daughters could not offer. Separated from their families, useless to those whom they most deplored, their fruitless tenderness acknowledged the wretchedness of their ancestors, believed in it, wept for it, but could not console. So at the birth, near the bed of travail, what expectation, and according to the event what a contrast! Was it a son that was born?* Before he had even cried—as one may say, while yet he was unseparated from his mother's womb—the father hastened to seek that which is sweetest in nature, that which is most precious in the earth: Honey and Gold. He presented it to the lips of the newly-born child, and during the solemn recital of mystic words, bestowed upon him the most impressive titles, which afterwards became his names; he was called *Pouttra*,† *Saver from Hell*; or sometimes *The child of the Duty*, because by him the ancestral debt was discharged. Moreover the mother herself shared these honors; and in an Indian family, which sometimes included seven or eight wives of different degrees of consideration, *the mother of a son* ascended by the sole force of this title to the first rank. On the contrary, was a daughter to be greeted? How mournful the silence! No solemn hymns, no pious festival. With what food was she to be initiated into this life? With milk and with honey? the religious law did not even hint. “What matters it! it is a girl!” What title shall they give her? None, because she represents nothing; only that her name‡ shall be flowing and easy to

* A ceremony is prescribed for the birth of a male child. He must be made to taste of honey, of clarified butter and of gold, while certain sacred words are pronounced.—*Laws of Menu*, v. ii. p. 29.

† From the fact of the son delivering his father from the Infernal region called *Pout*, he has been named *Saver from Hell* (*Pouttra*) by Brahma himself.—*Laws of Menu*, book ix. v. 138.

‡ *Laws of Menu*, book ii. v. 33.

pronounce—this is all the law prescribes for her. As for the mother, she wept, she trembled, her sojourn in the house of her husband was rendered less secure by the birth of this child; the woman who brought only daughters* into the world could be repudiated in the eleventh year: so Menu ordained. In Athens the father of a girl-child ordered, with vexation, a distaff to be suspended outside of his door† instead of the garland of olive which should announce to all the city: “A son is born unto this house.”

In Sparta, of every ten children abandoned, because they cost too much to rear or to establish, seven were girls; their sex was equivalent to a deformity.‡

In Rome, the newly-born child was deposited at the feet of its father,§ who could take it up or abandon it at his pleasure.

How often did the patrician, with all the anger of disappointed pride, turn away from the poor little creature lying upon the earth before him, wailing, weeping, appealing. Vain appeal! it was a girl!

Among our ancestors, under the feudal system, the birth of a daughter was considered by the father a misfortune. History|| tells us that at Nogent-le-Rotrou, when they presented to Louis XI. his first child, Jeanne de Valois, his rage was such that he would not look upon her; that he went back immediately to Paris; that he forbade all public rejoicing;

* A barren woman may be repudiated in the eighth year; she whose children are all daughters, in the eleventh year.—*Laws of Menu*, b. ix. v. 81.

† *Grecian Antiquities*, v. ii. ch. 15—Aristophanes, *The Frogs*.

‡ Two words expressed the misfortune of children cast off by their father: ἀποτιθεσθαι, to describe the exposure of a child condemned to perish because deformed; ἐκτιθεσθαι, to express the desertion of a child whose parents were too poor to support it. This desertion threatened daughters particularly; their more expensive education, and their more difficult establishment, made them often a burden.—*Grecian Antiquities*, v. ii. ch. 13.

§ The newly-born child was not legitimate until the father had lifted it from the ground (*terrá levaverat*). From which was derived the word *élever*.—Adam, *Roman Antiquities*, v. i p. 76; *Dion. of Halicarnassus*, b. viii.

|| *Histoire de Jeanne de Valois*, by Pierquin de Gembloux.

and that the child, banished to the château de Linières, was for four years deprived of the caresses of her mother, and never once saw her father. Even the birth of a son did not disarm the hatred of Louis XI. for his innocent daughter; the next time he saw her, he noticed her only thus: "I could not have believed her so ugly!" Afterwards he exhibited at the sight of her so much irritation, that the governess of the poor child hid her under the folds of her dress when her father passed by; and it is said that one day, being possessed of a kind of blind rage, he drew his sword on Jeanne, and dealt her a blow near the left temple, the scar of which was never effaced, and which would have killed her if M. de Linières, her tutor, had not turned aside the weapon. Strip this hatred of the fierceness and cruelty that the character of Louis XI. added to it, and you behold, painted to the life, the heart of more than one feudal father, of more than one great lord *de la Renaissance*, of more than one courtier of the seventeenth and eighteenth centuries, of more than one noble of yesterday, of more than one citizen of to-day, of more than one man of the masses.

The peasant, in his ordinary language, so full of the very spirit of things, stigmatizes with a sort of ridicule, and seems to strip of a part of his manly attributes, the man who has *begotten only girls*. Question a countryman about his family, he will answer: "I have no children, sir; I have only daughters." The Breton farmer whose wife has brought forth a daughter, says to this day: "My wife has had a miscarriage."

There is truly in this a moral very complicated and mysterious; neither vanity nor prejudice will suffice to explain it. It must be sought for elsewhere.

That which distinguishes paternal and maternal love from all other sentiments, elevating it above them, is foresight. The lover, the friend, the brother, the husband, can love with as much passion and devotion as the father or mother, but their tenderness expends itself wholly upon the passing hour; the solicitude of father and mother, on the contrary,

does not confine itself to the health, or intellectual progress, or happiness of the moment; they see their child ten years in advance; they are the guardians of its future. This sentiment of foresight which God has bestowed as the basis of paternal love, is precisely that which utters a cry of alarm at the birth of a girl. Every truly conscientious father, when he receives for the first time in his arms the dear little creature just born, ought to ask himself, with an anxiety a thousand times more profound than if it concerned a son: "What will become of her?" Life is so rude and so uncertain for a girl. If poor, what risks of wretchedness! if rich, what perils of moral pangs! If she is to have nothing but her own labor for her support, how are we to secure to her a position which shall sustain her, in a society where women scarcely earn enough to prevent them from starving? If she has no dowry, how can she marry, in this world where woman, always passive, must buy her husband? If she should not be married, how preserve her, in the midst of so many temptations? and if she falls, how re-elevate her to the bosom of that society wherein her every sin is judged so harshly? Riches, the *eclat* of position, health, beauty, the gifts of mind, are not sufficient to reassure the father; for he knows that the life of his daughter will be but a relative one; her happiness, her development even, will be at the mercy of another; thence springs discouragement in the paternal heart.

This child does not belong to him any more than she does to herself; as a young wife, he loses her; as a young daughter, he knows that he will lose her; the want of a future to their affection cools it by circumscribing it.

Affection, in fact, does not live by itself alone; to love each other, save in the brief intoxication of love, is not merely to say, I love thee; it is to work and think together. An affection which does not occupy our entire life, by a blending of ordinary occupations, fills only half our souls; and the paternal love above all, which by reason of its office of instructor completes itself by hope, finds only in the presence of a son

food for all its desires. Are we mechanics? we have in our son one who shall continue our work. Are we merchants? we see, in advance, his name associated with ours, and a thrill of pride possesses us at the thought of the house established by us being elevated to new importance under our common management—Messieurs *Father* and *Son*. Are we thinkers? we guard for him the thought that we have not had time or strength to mature; the offspring of our brain appearing to us perpetuated by our physical offspring, we no longer mourn over the fame which has escaped us, when we believe it in store for one so dear. Thus, and thus only, does our earthly existence prolong itself, and our days linked with his, which in their turn are linked with those of his children, present to us almost a perspective of the Infinite, instead of that remote scene of death so hateful to our thoughts.

With a daughter, none of these joys; by force of the despotic laws of marriage every legal tie is broken, every social bond may be snapped asunder, between the father and his wedded daughter.*

By reason of her insignificant education, all true fellowship in labor, with rare exceptions, is almost impossible; good training, even, sometimes comes to naught under the influence of the husband: father and mother may well hesitate to develop in their daughters the purest sentiments of a noble heart, love of virtue—particularly love of the beautiful; for there are thousands of women in whom culture of intellect, generosity of soul, and even charity itself, are constant causes of strife and discord with their husbands. Finally, a cruel prejudice, which we must glance at in passing, renders the birth of a daughter a real misfortune; it is the special suffering and the sort of shame which attaches to her possible celibacy.

The expression, “old maid,” makes fathers shudder. It is

* The prerogative of the husband may reach even thus far; we will prove it.

not merely that the word signifies isolation, privation of the sweetest joys, sometimes even misery; it means still more—contempt. An old maid is, in a measure, ashamed all her life; she feels herself constantly a mark for inuendo and ridicule. The malicious, not finding in her poverty a sufficient cause for her celibacy, seek for, and sometimes find, by dint of ransacking the past, some yet sadder exposure for their victim, in a concealed deformity or a delinquency hushed up. Why should we brand celibacy in a woman, and pardon it in a man? Does an old bachelor present to us so meritorious an example? Often egotistical, suspicious, sometimes subject to the degrading empire of a servant-maid, he has, perhaps, only sought in his voluntary celibacy the means of prolonging the excesses of his youth, or of keeping his thoughts to himself. An old maid, on the contrary, almost always remains unmarried, through faith in some one who has betrayed her, or through fidelity to a love which has passed into oblivion, or by devotion to her parents. Her isolation represents to us a virtue or a misfortune; sometimes bitter because she is embittered, a prude because her modesty has been made a jest of, she redeems in more than one respect these defects which pertain to her position, by a thousand proofs of love and devotion. Her heart needs kindred. Is she an orphan? she attaches herself to her grandparents; deprived of these, she seeks a sister or some young relative to love; and in the family of her choice she assumes the character of a grandmother or governess, which the Germans describe by the charming title of “cradle aunt.” The old maid does what no one else will do; she alone is patient to teach the little ones their letters, their musical notes; she dresses them, she walks out with them, she takes care of the house; then her memory, in every emergency, affords some pretty story to amuse them with, as her drawer supplies some dainty kickshaw to adorn them; in her need of loving, and in her lack of objects of affection, she attaches herself to domestic animals, to flowers, to the poor children of the village, whom she instructs—to orphans, whom

she clothes; she regards herself as the mother of all who have no other.

If this defence of the old maid is just, what shall we say of the young maid?

We have depicted all the joys that spring from the companionship of father and son; but these joys, as we have seen, belong rather to hope than to reality, to the future than to the present. The single daughter alone could complete them; and the charm, which in spite of her thankless position she already bestows upon the home, teaches us how much happiness the family would owe to her in a better state of things. If the son typifies hope, it is the daughter's mission to represent purity; and thanks to her presence, as the Hindoo in his poetic language says, the father shares the life of virgins. When a mother weeps, is it her son who consoles her? When a father suffers, is it his son who soothes him? The father returns home at night, worn with fatigue, saddened with care; who meets him at the threshold? who relieves him of his out-door clothes? His daughter; and at once, all fatigue and care vanish.

So in education; scarcely has your son grown out of his infancy, when the school claims him, and takes him from you; you send him a hundred leagues away if you dwell in the provinces; to the other end of Paris if you live in Paris; thus, according to the distance, two days in a month, or once in a year, you are a father. Your son returns to you; but weaned from you, moulded by another hand, very often seeking under your roof only the pleasures of idleness, freedom, and ease.

His studies accomplished, passions, pleasures, amusements contend for his heart with you; the old home is a prison to him; you are his jailor, or what is worse, his banker. No doubt your reproofs affect him, the tears of his mother afflict him, but only for an hour; he has a fever, the fever of life; he must live; have you yourself not lived? Such is your son till he has become a man. A daughter, on the contrary, if the

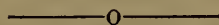
reality of the family accords with its ideal, will be yours, yours only, and will typify domestic education. You are a father—you now become a creator : for creating is not merely the bestowing of a body, it is the forming of a mind ; and you can educate your daughter. This task once undertaken and accomplished, do not fear that her heart will forsake you when another home is hers ; for she will only leave you to become a mother in her turn ; and then retracing, as an instructress, the road she has travelled as a pupil, every experience in the new route will afford a reminiscence of you, every souvenir will be an emotion of gratitude.

Finally old age overtakes you, and with old age isolation, sadness, infirmities. Your son does not abandon you ; but carried away by the necessity of active exertion which constitutes the foundation of a man's life, his visits are rarer, his words fewer ; man knows not how to console. Your daughter, on the contrary, whether widow or maid, installs herself by your pillow or near your sick couch, and revives in the coldest heart faith in Divine Providence, by dint of a goodness truly divine. Which of us has not encountered on the journey of life one of these Cordelias kneeling before a father infirm or in his dotage ?

By a contradiction truly touching the daughter in this case becomes a mother ; often, indeed, the tender and caressing tones used to infants, words which would seem to belong only to the lips of mothers, are interchanged between them with a captivating sweetness ; for the old man perceives the change of character, and a smile, full of melancholy and tenderness, says to the daughter, "This is childish, I know, but I am so happy to be thy child."

Such are some of the blessings by which daughters overcome, in the paternal heart, the prejudice which has stigmatized their birth ; but as this prejudice is maintained by material influences, by institutions, it is necessary to have institutions to overcome it. From the first, indeed from the cradle, we detect all the fetters which await women ; incompleteness of

education for the rich girl; insufficiency of wages for the poor one; their exclusion from most of the professions; their subordinate position in the conjugal relation: and thus is demonstrated the necessity of all the reforms which this argument will conduct to development. These changes are difficult, but the perfecting of home is worth them all. Thus only will the daughter, bound up in the physical and moral life of her parents, accounted as a companion and an assistant in the house, where she is now too often regarded as a burden, become its delight as the son is its pride, and in that view will present the first image of the ideal we are seeking—unity born from the development of differences.



CHAPTER II.

BIRTH-RIGHT.

THE question of birth-right, of inheritance, naturally follows that of birth. Happily, in this matter the triumph is achieved, and the inequality between the son and the daughter remains only as a memento of the past. But to this past, to this souvenir, is attached more than one useful lesson. This first amelioration renders legitimate all other hopes of progress; it shows us that starting from a very low point does not prevent us from attaining a very high one. It reveals to us all the degrees of improvement; it lays bare, as it proceeds, the despotic principle of the Roman family, the rudely heroic principle of the barbarian family, the politically egotistic principle of the feudal family, the principle replete with vanity of the aristocratic family; and consequently we comprehend better by the contrast the principle of affection which should preside over the development of the modern family. It is a

sort of historical drama, of which the family is the argument, the daughter, the sister, and the brother the principal characters: it is the story of a progress.

That a daughter ought to succeed to the property of her father; that in consideration of her weakness, and exclusion from outside employments, her father should award her a portion at least equal to that of a son, is a law so written to-day in all hearts, that it seems as though it ought to have been written from the beginning in all codes; nevertheless, almost all the ancient systems spurned it.

In Athens, the daughter inherited property only in default of male children; even in that case the inheritance was in her hands rather as a trust than as a possession; for if she married and had a son, the son became by a legal fiction the adopted child of the dead grandfather, and by this title dispossessed his mother of the inheritance.* In Rome, where the father† was all in all, where the children, in their utter nothingness, without distinction of rank, sex, or age, might literally be termed *members* of a family, which the father took care of, neglected, or cut off, at his pleasure—in Rome, where a father could kill or sell his son‡ as well as his daughter, such an annihilation of *children* did not, however, lead to equality between them. If a father wished to disinherit a son, it did not suffice simply to appoint another heir; he was required to write out plainly these words: *I disinherit my son.*§ The law, provident and tender on this

* Isæus, *Succession of Pyrrhus*. Same, *Succession of Apollodorus*.

† “Paterfamilias appellatur qui in domo dominium habet.” (Ulpian.)

‡ Dion. of Halicarnassus. Laboulaye, *Histoire de la Succession des Femmes*, ch. 2. The name of M. Laboulaye will often be found cited here, yet not often enough. It is his excellent work which has furnished, or directed us to, most of the authorities in relation to the inheritance of daughters; and his ideas, always just, and often forcible, have served us for a guide.

§ *Institutes* of Justinian. “Si quis filium in potestate habet, curare debet ut eum nominatim exheredem faciat. Alioquin, si eum silentio præterierit, inutiliter testabitur. Sed non ita de filiabus; si non fuerant scriptæ hæredes,

point, considered that in thus forcing a father to pronounce the doom himself, it imposed on him the surest check, and that more than one, hesitating before so fatal a decision, would relent, rather than execute with his own hand a sentence dictated by anger. But this ingenious protection did not include the being who most needed protection—the daughter. The father had only to write, *I appoint such a one my successor*,* and the daughter was legally disinherited. This was not all: If a Roman father had three sons and three daughters, and wished to cut them off from his property, he could not do so with regard to his sons, without designating each of them separately, by their names, by their qualities, and respective titles; but as to his daughters, no such precaution was necessary, it was sufficient to “lump” them, like the crowd of inferior heirs, as cousins, uncles, &c.; the father wrote three words, which I transcribe in all their naïf harshness: *Cæteri exhæredes sint*† (*the rest are disinherited*), and the three daughters were left without bread. These wicked laws fortunately had an adversary more powerful than all the codes in the world—the daughter herself. She had no arms however, her only defence was her defencelessness; but such is the inherent force of her touching character, that alone she overthrew all these systems of legislation, and I know nothing in the history of woman more remarkable than the spectacle of this tender and delicate creature, abandoned by human laws and cast down to the very foot of the ladder, mounting step by step, virtue by virtue, pang by pang, to the rank which she occupies to-day at the domestic fire-side, breaking (no, the word *break* is not good—causing to vanish before her), by the mere force of her gentle presence, every hostile resistance; compelling fathers to become fathers, the law to become a protection, and invading quietly but irresistibly

testamentum quidem non infirmabatur. Sed nec nominatim eas personas exhæredare parentibus necesse erat, sed licebat inter cæteros hoc facere.” (B. ii, title 13.)

* *Institutes*—Justinian.

† *Institutes*—Justinian.

the place of honor from which legislation had sought to exclude her.

The establishment of the Voconian law brought to light all the hidden power of the daughter.* Under the prætorship of Caius Sacerdos, there lived in Rome, about the year 600, a rich citizen named Annius Asellus. Asellus had acquired in trade a large fortune; and twenty years of labor, a thousand fatigues endured, were all for one object—to enrich his daughter, whom he idolized. Nevertheless, an obstacle, apparently insurmountable, intervened to deprive her of her inheritance, and wrest from her, who should have been the recipient of them, the fruits of his efforts. It was the Voconian law,† established to check the extravagance of women, and which forbade a father to bequeath to his daughter, even though she were his only child, more than a certain part of his fortune.‡ Thus, all the tender foresight of Annius, all his paternal dreams were baffled; but one course remained, a terrible alternative, for it deprived him of his position, his rank. Annius did not hesitate.

The law divided Roman citizens into six classes.§ Five of these were composed of those who payed the taxes; they were called *censi*. The sixth were all proletaries, persons of no consideration, being destitute of property, and of course excluded from all rights and political privileges; they constituted the middle class, between the freeman and the slave, between the citizen and the alien—they were called *ærarii*. To belong to one of the five superior classes was an honor, and an advantage; to be of the last class was a kind of degradation; even the place assigned to the *ærarii* at the theatre pointed them out as objects of public contempt

* Cicero—*Second harangue against Verres*.

† Montesquieu—*Esprit des Lois*, b. xxxii.; Laboulaye—*Histoire du droit de Succession des Femmes*.

‡ This sum was fixed at 100,000 sesterces.

§ Montesquieu—*Esprit des Lois*.

or scorn, and the Voconian law, as if further to consecrate their poverty, allowed fathers of this class to leave all their effects to their daughters. They never imagined that these wretches could possibly possess more than a few sesterces.

Now, mark! Annius enrolled himself among this despised class; he became an *æerarius*. What more powerful protest could be offered against the disinheriting of daughters! To renounce the privileges so dear to Romans—the right of suffrage and municipal distinctions—in short, to reject all the honors attached to wealth; not to save the life of his child, but simply to be able to leave her all his property! Nor is this an isolated case, a solitary example of paternal love. Cicero shows us, in the treatise *De Finibus*, how the trusteeships, the real estate converted into personal property, and the mock sales, protested on every side against this unjust law, and gave to the daughter what belonged to the daughter. But here is a circumstance still more worthy of attention: As the tenderness of fathers rebelled against the law, so, at the same time, by a natural coincidence, the law itself, annulled, it would seem, by the daughter, became milder, and disarmed fathers who would have been cruel enough to use the rights it had given them. Indeed, from the middle of the Republic, the testator was no longer absolute. When the father failed to disinherit the daughter by name, the prætor broke the will.* When the father disinherited the daughter, the prætor granted her a touching right of appeal.† “Why has my father been so cruel to me? what crime have I committed? This disinheritance dishonors me. Let me be questioned; let me be judged.” And the prætor investigated the case; and if the result of the inquiry was favorable, the will was annulled, and the father who had disinherited such a daughter was declared to be of unsound mind.‡ Fifteen years later, a father could not, even with just cause,§ entirely exclude his daughter from

* *Institutes*, ii. 13. † *Institutes*, ii. 18. ‡ *Institutes, De. Inoff. Test.* ii. 18.

§ *Institutes*.—Laboulaye, *Histoire du Droit de Succession des Femmes*, sec. i. ch. 4.

inheritance; the children were all lawful inheritors.—A portion secured by law to a Roman daughter! The Roman daughter a joint proprietor of the paternal estate! This was the overthrow of all that had been. Justinian bestowed the finishing stroke;* and so, on the ruins of the artificial family in Roman society was displayed to the eyes of the world for the first time the spectacle of the family established in affection.

The reform proceeded under barbarian rule.

The family in Germany† was controlled by a principle quite different from that of the Roman family. There, too, the father was chief, but solely in the interest of the family, and not, as in Rome, for the extension of his own power. Barbarian families, being constantly engaged in war against each other, had each the pressing need of a master, who should be a dictator, in order to be a protector.

Thence the union of all powers in a single hand, and that the hand of a man; thence all territorial‡ property bequeathed to the son, or if there was no son, to the nearest male relative; thence the outfits of war, the money, the slaves, the price of insult,§ reserved to the male heir; thence, in short, the exclusion of daughters from allodial inheritance; but it was only the legislation incident to a state of siege, we may say. Let the war come to an end, and the law must give way. Towards the seventh century, when the tumult of invasion began to subside, we hear from the bosom of these warlike nations a

* *Novell*, 118.

† Among the many features which express this difference, we cite the following, which includes them all: In certain instances a German father could not sell the freehold without the consent of his son. The children were co-proprietors with their father; for God above alone can make an heir, emphatically asserts the Ripuarian law. At Rome, the law considers only the father, in the family. The Germans regard the family as a whole.

‡ Laws of the Thuringians. — Salic Law, lxii.: “Dum virilis sexus exstiterit femina in hæreditatem aviaticam non succedat.” (Ripuarian Law, lvi. *Collection des Historiens Francais*.)

§ It is well known that every insult was paid for among the Germans; the price of it belonged to him who avenged it.

voice raised all at once against the disinheriting of daughters—a voice of revolt, and at the same time of supplication—a voice glorious with power, and full of tears, which inaugurated a revolution in the accents of a missionary who converts; for it was raised in the name of tenderness.

“To my darling daughter,”* writes a barbarian in his will: “There exists among us a custom, ancient but wrong, which prohibits sisters from sharing with their brothers the paternal inheritance; but reflecting upon this iniquity, loving you all equally, since God has given you all to me equally as my children, I desire that after my death you shall all equally enjoy my fortune. Therefore, by this instrument, my dear daughter, I appoint thee my legitimate heir, and I give to thee of my property an equal part with thy brothers, my sons; I desire that after my death thou shalt share with them the paternal estate, the personal property, the slaves, the household furniture; and that of everything thou shalt have a portion not less than theirs. And be he accursed who shall desire to break this will.”

What more touching than this, in its simplicity? How charming the first line—*my darling daughter!* What affection in every word! What a claim to gratitude in the schedule: “I desire that thou shalt have the homestead, and

* Marculli formulæ. “Dulcissimæ filiæ, etc. Diuturna, sed impia, inter nos consuetudo tenetur, ut de terra paterna sorores cum fratribus portionem non habeant; sed ego, perpendens hanc impietatem, sicut mihi a Domino æqualiter donati estis filii, ita et cætera a me sitis æqualiter diligendi, et de rebus meis post meum decessum æqualiter gratulemini; ideoque per hanc epistolam te, dulcissima filia mea, contra germanos tuos, filios meos illos, in omni hæreditate mea, æqualem et cætera legitimam esse constituo hæredem, ut tam de alode paterna, quam de comparato, vel mancipiis, aut præsidio nostro, vel quodcumque morientes reliquerimus æqua lance cum filiis meis, germanis tuis, dividere, vel exæquare debeas, et cætera in nullo penitus portionem minorem quam ipsi non accipias, sed omnia inter vos dividere, vel exæquare æqualiter debeatis. Si quis vero, etc.” These *formulæ* of Marcull are at the same time souvenirs and compositions, as he apprises us in his very modest dedication. “Quæ apud majores nostros didici, vel ex sensu proprio cogitavi, in unum coacervavi.”

with the homestead the slaves,* and with the slaves the personal property." We perceive the *father* in this will; and what is especially affecting is, that it does not testify for the heart of one father only; a formula suggested to Marculf by an individual remembrance, it shortly becomes the expression of the general sentiment; and an entire nation protest and groan in these lines—a new manifestation of the ideal we are pursuing.

Suddenly, however, this progress was arrested. What had happened? Feudalism appeared. To the eyes of the historian, feudalism has all the features of a grand system; it is the constitution of the political state by the constitution of property; it is the first step towards a national unity, by the formation of seven or eight great centres destined to be blended into one; and in the midst of discords, fomented by the love of aggrandizement, it evokes a principle which serves as a bond for everything, and prepares the future—the hierarchy. But while this hierarchy creates, at the same time, for the same persons, both serfage and suzerainty, feudalism, on the other hand, presents only an accumulation of servitudes, piled one upon another—a combination of slaves, indemnifying themselves for being slaves by being tyrants. But, in this prison of a thousand stories, there is a lower one, more gloomy than all the others, whereto are consigned the women. But I am wrong; there is still a lower than this last, whereto are consigned the daughters. As may be imagined, the vice of this epoch, perhaps a necessary vice, being a thirst of aggrandizement, all influences tending towards one establishment, whether of property or petty royalty, the feeblest must become the first victims. So feudalism created a new character in the world, the monstrous representative of a monstrous tendency, the elder son.† The barbarians said:

* Why was it necessary that the word slaves and the idea of slavery should mark this affecting passage?

† The Hindoo law speaks of the elder son in these terms: "The first-born, when he is eminently virtuous, may take possession of the entire patrimony."—*Menu*, b. ix.

“Never the daughters before the sons.” Feudalism said: “No child before the first-born son.” To enrich him—that is, to increase the power of the family of which he alone was the representative—there were found a thousand ways to disinherit daughters. A single error on their part sufficed to justify their cutting off.

“A girl of noble birth who has borne children without being married is deprived by law of her share in the paternal estate:”^{*} thus says Saint Louis. “If a daughter, during the life of her father and mother, becomes pregnant without their knowledge, she is for ever disinherited:”[†] thus proclaimed the Assizes of Jerusalem. “If an heir has a sister, he must procure a husband for her; but according to his means, moderately, and provided she has not exposed his name to scandal;”[‡] so said custom. But what was meant by exposing his lineage to scandal? Not merely living wickedly or immorally, but being married against the will of the testator, or being extravagant. § Moreover, the elder son might disgrace himself by rapes or adulteries; he who bore the family name, and had charge of its honor, might dishonor himself by shameful excesses; he was the son—the elder son, and he remained the heir. But let a poor daughter, who was not regarded as one of the family, who might have to drop its name to-morrow, be guilty of a fault which offended but one virtue—extravagance; immediately she forfeited her rights, was deprived of her possessions, and compelled to immure herself in a convent. And who judged her? Her brother. Who succeeded to her property? Her judge. Is this not subverting the most sacred laws of justice? Is it not depraving the brother himself by the facility of the temptation? And the spoliation did not end there; Saint Louis had said: “A nobleman cannot give his daughter more than her share of the inheritance; but if he gives her less, she can, on the death of her father, claim the balance.”|| Hence a custom

^{*} *Etablissements de Saint Louis.*

[†] Court of nobles.

[‡] *Etablissements des Normands.*

§ *Ibid* || *Etablissements de Saint Louis.*

borrowed from a Lombard law,* which declares that a daughter, married and endowed, shall no longer have the right to share in the paternal inheritance; that her dowry constitutes her entire wealth, *although this dowry might be but a chaplet of roses*.† This is not all; lest the elder son should be disturbed in the possession of his fortune, the daughters were required to renounce, in the marriage contract, all claim to future inheritance; and as the Roman law, which began to come into favor, did not recognise these renunciations, there was opposed to it a power which decided everything in the Middle Ages—the oath; yes, fathers, brothers,‡ forced the young *fiancées* on the eve of their marriage, to swear, by the salvation of their souls, by their hope of heaven, that they would never claim a share in the paternal inheritance! Probably all brothers did not employ these odious means; more than one, generous because he was strong, and deriving from the importance of his position a heroic idea of the character of protector, extended over his family and over his sisters a paternal hand, which often bestowed more than it had received. But in spite of exceptions, the principle was there, to corrupt the weak and to arm the corrupt. There were those who, to enrich themselves, would not only rob their sisters of their portions, but would sell for money the honor of those who bore their name; and the authority of the son, in the feudal period, was so absolute, that the father and mother themselves often winked at this hideous traffic. A Breton ballad of the fourteenth§ century, touchingly testifies to this fact:

* Laboulaye, *Histoire du Droit de Succession des Femmes*.—Lombard Law, ii. tit. xlv.: “Si pater filiam suam vel frater sororem ad maritum deducit, in hoc sibi sit contenta quantum aut pater aut frater in die nuptiarum dedit, nec amplius requirat.”

† Customs of Brittany.—Laboulaye, Michelet.

‡ Customs.—Laboulaye, liv. iv. “Quamvis pactum patris ut filia, dote contenta, nullum ad bona paterna regressum haberet, improbat lex civilis; si tamen juramento, non si, nec dolo præstito, firmatum fuerit ab eadem, omnino servari debet.” (Customs, ii. *De pactis*.)

§ *Chants populaires de la Bretagne*, v. i. p. 340.

THE BARON OF JAUIOZ.

I.

As I was at the river washing, I heard the sighing of the bird of death.

"Good little Jina, you do not know it, but you are sold to the Baron of Jauioz."

"Is this true, my mother, that I have heard? Is it true that I am sold to old Jauioz?"

"My poor little darling, I know nothing about it; ask your father."

"My nice, good father, tell me now—is it true that I am sold to Loys de Jauioz?"

"My beloved child, I know nothing about it; ask your brother."

"Lannik, my brother, tell me now—am I sold to that lord there?"

"Yes, you are sold to the Baron, and you must be off at once. Your price is paid—fifty crowns of the white silver and as much of the yellow gold."

II.

She had not gone far from the hamlet when she heard the ringing of the bells; whereat she wept. "Adieu, Saint Ann! adieu, bells of my fatherland! bells of my village church, adieu!"

III.

"Take a seat and rest thee till the repast is ready."—The lord sat near the fire; his beard and his hair all white, and his eyes like living coals.

"Behold the young maiden whom I have desired this many a day.

"Come, my child, let me show thee, crown by crown, how rich I am; come count with me, my beauty, my gold and my silver."

"I should better like to be with my mother, counting the chips on the fire."

"Let us descend into the cellar, and taste of the wine that is sweet as honey."

"I should better like to taste the meadow stream whereof my father's horses drink."

"Come with me, from shop to shop, to buy thee a holyday cloak."

"I should better like a linsey petticoat, that my mother had woven for me."

"Ah, that my tongue had been blistered when I was such a fool as to buy thee! since nothing will comfort thee."

IV.

"Dear little birds, as you fly, I pray you listen to me.

"You are going to the village, whither I cannot. You are merry, but I am sad."

"Remember me to my playmates, to the good mother who brought me to light, and to the father who reared me; and tell my brother I forgive him."

V.

Two or three months have passed and gone, when as the family are sleeping, a sweet sad voice is heard at the door. "My father, my mother, for God's love pray for me; your daughter lies on her bier."

This touching and bitter legend portrays the feudal family more repulsively than the most indignant eloquence. Who would again dare to propose such an institution for an ideal and a pattern? Doubtless the modern family, founded on the principle of equality, has more than one danger to fear; the hierarchy, which established relations between the brother and his sisters, maintained in these relations a salutary and conservative feature, that of external respect. But what is this respect in the affections worth, if it is not as a guardian of the affection itself? Is it anything more than a nice form—the respectable surface of those tender sentiments with which we ought to be animated? Of what value the envelope if it is empty? What avail words of respect—and, above all, this hierarchy, if it stifles the feelings instead of cherishing them? That's what it did! Transforming the younger children into secret enemies of the eldest, the elder into an acknowledged master of the younger; degrading the one by egotism, the others by envy, it introduced into the world a frightful passion of which it had known up to that time only one monstrous example—brotherly hatred. Yes, the feudal family degraded the most impressive word in the human language, the word which Jesus has rendered almost divine, by employing it to express the universal bond between all men: it degraded the name of Brother. This fatal influence extended into later times, and in the middle of the sixteenth century it is found still alive, still the corrupter of the natural affections.

One grand example serves us here by way of proof:

There is in the home, such as hearts enamored of their ideal

can imagine it, a being who fills a place quite apart, and whose moral influence over the young man has in it something delightful; this is the sister. Is she younger than her brother? she is almost a daughter to him. Is she older? she is almost a mother. In either case she is a guardian. If the brother is the elder, he protects her, and acquiring, in the character of a woman's protector, a certain indescribable feminine tenderness, he becomes pure like her, by being near her. If the sister is older, she advises him, and encourages him in his dreams of glory or heroism; for a young man is almost always great in his sister's eyes; she, before all others, is the messenger of peace between him and his parents. Which of us, in one of those days of rebellion when we have sworn to leave the parental roof for ever, does not remember how, suddenly, his hand was gently seized by the hand of a sister; how he was drawn in spite of himself towards a chamber which he had vowed never again to enter, and forced by the tender appeal of the mediator into those fostering arms which were so ready to receive him again? When death takes our parents from us, with whom do we recall them to remembrance? With our sister. Our conversation with her calls up again the days that are no more, the dear ones whom we mourn; and it seems to us, as we clasp her to our bosom, that we embrace, at the same time with her, our father and our mother, and our vanished youth.

This picture of a sister with her train of delicate and salutary influences, was once realized in history, in the person of Margaret of Navarre, sister of Francis I.*

Francis and Margaret had been brought up together by their mother, Louise of Savoy, in the chateau d'Etampes. The same love of poetry and science united them, and as Margaret was two years the elder there was added to her fondness that trace of maternal solicitude which is so becoming to young sisters.

* We borrow these details from *Recueil des Lettres de Marguerite de Navarre*, published by M. Génin, and from the lively introduction with which he has prefaced them.

When Francis was carried a prisoner to Madrid, she had but one thought—to set him free. She repaired thither amid a thousand perils of land and sea, and found her brother insensible and dying; his forlornness was killing him. What did she do? Enlightened by an inspiration of the heart, she caused to be erected in the chamber of the unconscious invalid, an altar decorated with the symbols of religion—the cross, the chalice, and the host; she assembled all the companions of the monarch's captivity, the persons belonging to his *suite*, and grouped them around the priest, who began to celebrate divine service; the sacred chants uprose, the prayer of the priest became the prayer of all. Margaret prayed also, but her eyes were turned towards the couch of her brother. Suddenly the half dead monarch, aroused from his lethargy by the pious concert, opened his eyes, and he who had been dying in his loneliness, found at his side his family, in his sister, France in his companions, his people in that kneeling crowd, and finally God himself, God the comforter, in the priest who prayed for his deliverance—he was saved.

There is nothing more charming than this recovery; except perhaps the method by which Margaret delivered her brother, after she had restored him. As Charles V. feared her eloquence, he had prohibited the Counsellors of State from giving her audience. "*Ah*," said she, "*then I am not permitted to speak to the men! very well, the women are not forbidden to me, and I will speak to them for both*," and indeed she did speak to them so effectually that she established a friendship with the sister of Charles V.; she interested her in the fate of the prisoner; she fascinated her by describing the talents and the virtues of Francis, and she induced her to espouse him secretly. Thenceforth his deliverance was certain. Charles V. could keep for ever captive *the king's brother*; but *not the king his brother-in-law*.

The treaty of Madrid was signed. When Francis I. returned to France, who inspired him with the idea of immortalizing his reign by so many wonderful monuments of art?

Margaret. When Francis sank, smitten by a mortal disease, who reanimated him for a moment by the force of her devotion and her courage? Margaret. Later, when, returned to Paris, she learned of the relapse of her brother, she came every day and sat down in the middle of the road on a stone, to catch the first glimpse of a messenger afar off; and she said, "Ah, whoever shall come to announce the recovery of the king, my brother, though he be tired, jaded, soiled, dishevelled, I will kiss him and embrace him as though he were the finest gentleman in the kingdom; and if he has no bed, and cannot find whereon to rest himself, I will give him mine, and lie on hard boards." Francis died, and Margaret soon followed him.

Here, certainly, is the complete ideal of a sister, and poetry can add nothing to the reality. But what was the reward of an affection so devoted? Francis I., in the division of the royal possessions, gave nothing to his sister except a pension for life, and *revocable*, of twenty-five thousand livres a year.

A daughter was born to Margaret by her first marriage. Francis I. took possession of this child, and immured her during all the days of her youth in the chateau of Plessis-les-Tours, for fear she should be married to a prince whom he had not chosen.

When this child had attained her twelfth year, Francis betrothed her, in spite of the prayers of Margaret, to the Prince of Clèves. In short, to her who had twice saved him he secured nothing by his will, not even the miserable pension of twenty-five thousand livres; and as Margaret absolutely could not (such was her own expression) keep up her house without this income, she was compelled to ask it as a favor of her nephew, king Henry II.—or rather of her enemy, her mortal and all-powerful enemy, the Constable de Montmorency.*

Was Francis I. a monster? No. He was a feudal brother. He loved Margaret sincerely; a thousand facts prove that;

* Letters of Margaret of Navarre.

but he loved her only as an elder son could love, as the family was then constituted. To appropriate to himself the common patrimony, to immure his niece if his niece gave him umbrage, to interfere violently in the marriage of the child—all this seemed to him a part of his rights, and almost of the duties of his position, as chief of the family and as sovereign. For the law corrupted manners.

Happily progress is always going on somewhere. God does not impede it; it is only necessary to find its track. In this oppressive organization there was one little corner wherein the natural sentiments took refuge, where justice dwelt in families, where the germ of the future was safely planted; . where? In the homes of the people. As there were among them neither great names to perpetuate, nor seignorial domains to maintain; as their children were for them not mere instruments of pride or props of power, but objects of affection, these honest people were fathers in all simplicity and freedom, and if they thought of the rights of birth, it was, I imagine, in favor of the daughter, as the youngest, as being the feeblest; and because the young children are more winning than the older ones. Moreover, with them, sons and daughters, old and young together, shared the inheritance when their father died, as they had shared the bread while he was living; for the peasant father never said My son, he said My children. Besides, they had to appear good fathers in spite of themselves, for the nobles would not have suffered them to follow in their footsteps by assuming the airs of disinheritors. It was a privilege to disinherit a daughter; it was the right of a noble damsel to be disinherited. "If a peasant," say the *Etablissements* of Saint Louis, "has two children, of whom one is prudent and industrious, and the other, a debauched daughter, has left the home of her father to abandon herself to licentiousness, the two children shall equally share the inheritance." Therefore it was as a badge of inferiority that the nobility imposed upon peasants the mild law of paternal clemency; thus the nobility themselves maintained and com-

pelled among brothers those sentiments of equality, which, a few centuries later, were to burst forth so energetically against themselves, and overthrow the feudal and aristocratic edifice as they had overthrown the Roman system.

The French revolution finished the work. "Rejoice," cries *la Mère Duchesne*, in her energetic and picturesque language; "rejoice, fair daughters of the land of Caux! you had only your good looks and your attractions, and those do not go for much nowadays; but we have obtained the law of equal division of property, which is glorious. You will no longer be secluded in cloisters to curse the authors of your existence. You will no longer be the upper servants of your brothers."*

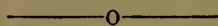
The civil code sanctioned this important progress, by establishing complete equality as to the rights of succession between the daughter and the son, as well as between sons themselves. This equality, however, is still not justice; as a child, the son costs most; as a man, he possesses most; his education takes from the family fund three times as much as the education of his sister, and the profession which this education gives him renders him twice as rich as she. Even to this day, when the reform in education (a subject we shall consider presently) provides the daughter with a means of livelihood, the father can be just, perhaps, only by treating the sister and the brother unequally in his will—that is to say, to the advantage of the sister.

We have dwelt long on this subject of inheritance, because the whole story of the subjection of woman offers no argument for her enfranchisement so substantial. Here is the first introduction of the principle of equality into the family, and this principle is found to be wholly a law of concord and a law of liberty. Are we less respected as fathers, because we can no longer despoil our daughters? Are we less beloved as brothers, because our sisters (as *la Mère Duchesne* emphatically expresses it) are no longer our servant-maids?

* Extracts from the journal of *La Mère Duchesne*, Lairtuillier, *Femmes de la Revolution*.

I know that narrow minds cry out against the ruin of filial respect and family authority; let us reply to them with *les Fourberies de Scapin*, *l'Etourdi* and *l'Avare*: all these crimes of filial disloyalty date from the good old times, and they applauded under Louis XIV. what we would hiss with horror—the spectacle of a son associating himself with a swindler to rob his father, or to beat him.

We need not fear to say it—we are better than our fathers in these matters, and the ideal of the family is elevated one degree in the public conscience. To what is this progress partly due? To the law of equality between brothers and sisters. It is time for education to confirm this equality.



CHAPTER III.

EDUCATION.

EXPERIENCE is a good schoolmistress for theory. Preoccupied with the delicate question of the education of girls, I repaired one day to the house of a practical philosopher, one of my friends, who educated his children himself, in the country. When I arrived he was walking in his garden with the Count de B——, a man of about twenty-eight years, a born enemy, by the tendency of his mind, to every idea of reform, and employing in his conversation that easy raillery and superficial good sense which are so often mistaken for wisdom. I was about to direct the conversation to the subject which interested me, and already the inefficiency of the private education of girls and the absence of public education had become topics of discussion, when at the turning of an alley, we heard a voice, fresh and young, calling: “Father! father!” “My friends,” said our host smiling, “business before everything; my daughter calls me, I must

go." He started off, listening, and trying to discover whence the voice came. All at once a noise of rustling leaves and rapidly approaching steps announced the arrival of a new comer; then the lower branches, which formed a kind of arbor, were thrust aside, and into the midst of us sprang lightly a tall young girl, fourteen years old, who cried:—"Father, come to me ——" The words stopped on her lips when she perceived us. She had arrived at the point which in women separates childhood from youth—a perplexing season, when men begin to address them with respect, and when this respect greatly embarrasses them; so, a little confused by her abrupt entrance, the young apparition remained silent in the midst of us, while her father (fathers are nothing but pride), happy to see her so pretty, and happier still to call attention to it, did not hasten to relieve her embarrassment. "Well, you big child," said he, "what do you want?" "I want nothing, father." "I was sure of that answer; and is it because you want nothing that you must come hither, running so fast that you cannot catch your breath? Let us know why you have come!" "Father," replied she, reassured somewhat suddenly, like all who are not taught embarrassment, "I come to ask, on my mother's account, how much distance we must allow between Saturn and Uranus." "You will find the calculation in my study, near the celestial globe. Go, my child." The girl went.

"My friend," inquired the Count with astonishment, "why does she come to ask the distance between Saturn and Uranus?"

HOST (*laughing*).—In order to ascertain it, my dear sir.

COUNT.—No doubt; and to what purpose?

HOST.—To construct correctly on our terrace her little solar system.

COUNT.—What? her solar system?

HOST.—Have I not told you of my invention? I am very proud of it. When I had explained to my daughter the first principles of astronomy——

COUNT.—Your daughter know astronomy!

HOST.—No, no; she is learning it; we are as yet only in the first course, but to-morrow we shall commence the second. When the first principles were nearly mastered, I thought to fix them in her mind by constructing on our terrace——

COUNT.—Stop! You are jesting, are you not? What do you expect your daughter to make of astronomy?

HOST.—The same as of all the sciences: of history, philosophy, chemistry.

COUNT.—You teach her chemistry, too, then?

HOST.—Why not?

COUNT.—There is nothing left for her to know, then, but Latin.

HOST.—She has begun that, and already understands the service she hears every Sunday at church.

COUNT.—*She* learn Latin! *She* know Latin!

HOST.—Do not all young girls study Italian and English?

COUNT.—That is very different; those are living languages.

HOST.—Well?

COUNT.—Well, that is a very different thing; I don't know why, but it seems so. Besides, English is spoken, Italian is sung; but a dead language, the language of college pedants! What! that charming young girl conjugate, decline, and recite those frightful verbs, in *ire* and *are*, which have made so many imbeciles! Infinitives and supines issue from that pretty mouth indeed! It is impossible. Don't you see you are deforming the most delicate work of nature? Good bye to her simplicity; her womanly character. Why is a woman charming? because she does not talk sense.

HOST.—Go on; . . . because she talks nonsense.

COUNT.—Because she is a bird that sings, a child that plays, a heart that always loves. Can a woman who knows Latin love?

HOST.—Oh, impossible! Look at Héloïse, who wrote to Abélard only in Latin.

COUNT.—Don't tell me that; you spoil her for me. If Héloïse had the awkwardness of Latin, at least she had only that; but astronomy, chemistry, philosophy, and theology! Can a woman be spirituelle with all that rubbish?

HOST.—Impossible! Look at Madame de Sévigné, who all her life long read Nicole and Arnauld.

COUNT.—So much the worse for her. What is Madame de Sévigné, with all her genius? A writing mother. She has put her maternal love into letters, and her heart into post-scripts. See how far you are going with your mania for an advancing education. It is not enough that women should be learned, they must be writers too.

HOST.—Well, what if some of them should write? Where would be the harm? Have you not for years past been indebted to them for eloquent prose and delicate poetry enough to deter you from breaking the pen in their hands? Besides, the surest means of allaying the itch of writing among women is, perhaps, to instruct them. Do you not see that their works are never the result, or recapitulation, of their researches or their studies? No; their books portray only their active and devouring idleness, their romantic soundings of the depths of the soul. They write only because they do not either work or study. It is not science that holds the pen for them—it is imagination, that quality all-powerful among natures too strong and active, fatal to fanciful and feeble minds—that feverish ardor which feeds the unoccupied mind with dreams, the empty heart with chimeras, and devours those whom it does not feed; imagination, that perfidious counsellor of slothful mornings, that companion of spleen, which she caresses and entertains, that mischievous elf who disenchantments all that exists by what she invents, and who invents only the impossible. You, young man, who dream only of pleasure and seduction—you would deplore its absence. Be it so; but I am a father, and it terrifies me. When I look upon my daughter, when I see breaking over her young countenance the lightnings of the stormy soul of women,

when I see in her face, already thoughtful, revery and melancholy—I am seized with a kind of horror, and enlightened through my affection, I exclaim, Food for this young head! strong, substantial food! Because woman is a mobile creature, impressible, with qualities easy to turn to good or to evil, she needs as a counterpoise an earnest and solid education. Do physicians nourish nervous people with fruits and pastry? But that is to stifle their souls, says some one, “It blunts their sensibility.” When did the knowledge of beautiful things, when did the habitual and intelligent study of the works of God, obliterate from the creature his most beautiful trait of resemblance to the Creator, the faculty of loving? Smother their soul! Yes, their drawing-room soul—their artificial and morbid sensibility. Oh! that will die of it—I believe, I hope so; but the soul such as God contemplates with pleasure; the soul that women have displayed in great revolutions, as under the Reign of Terror; the soul of daughters, of wives and mothers—that will find, I doubt not, support and nourishment in the earnest study of nature. Whatever is great nourishes what is great.

COUNT.—But what does your programme for the education of young women comprehend?

HOST.—All the sciences and all the arts, without any rule of prohibition except the particular bent of each mind.

COUNT.—That is likening women to men, and disregarding the law of difference, which makes all the charm of life and all the opulence of nature. How can you believe that the same studies can be suitable for two beings so different? Look at them! That delicate and graceful head, can it contain the same brain as this masculine forehead and bearded face? That fair and delicate body, can it inclose the same heart as this vigorous muscular organization? Is that sweet and silvery voice destined to express the same sentiments as this rude and sonorous organ? One of two things is certain: either the young woman will not be benefited by your education, or she *will be*; if she is not benefited, she will be

rendered stupid by it; if she is benefited, she will cease to be herself, so that in either case she will perish.

HOST.—She will be born again, I tell you. I think with you, that the law of difference is the foundation of creation itself; but this law cannot better assert itself in all its grandeur than by a vigorous education for women. Just as different plants draw from the same earth different juices, just as two beings do not assimilate the same substances from the same articles of food, but seem to take from them only that which agrees with their respective constitutions, so the woman and the man will not profit in the same manner from a lesson by which both will be benefited. Then teach without fear both history and the sciences to the young woman as to the young man; she will not learn from them the same things; that which in his case will be converted into reason and strength will cultivate in her's sentiment and refinement; and so the diversity of their natures, being developed by the very identity of their studies, we may say that women will be so much the more women as they shall have been more masculinely educated. I will go further: there is not one of the sciences we have named of which a woman has not need in order to be a woman at all.

COUNT.—Prove it: what need has she of chemistry?

HOST.—You make a poor choice. Do you think one better fills a position, whatever it may be, when he understands what he is doing, than when he does not understand it?

COUNT.—You jest.

HOST.—Do you think that the cultivation of neatness and elegance, and care for the health of husband and children, enter into the duties of women? that, for example, a woman may be concerned that her household linen shall shine with irreproachable whiteness.

COUNT.—Doubtless.

HOST.—Well, bleaching is chemistry. A woman may, according to your patriarchal ideas, put some part of her glory into the exquisite flavor of her preserves.

COUNT.—Certainly.

HOST.—Well, sweetmeats are chemistry. Chemistry is connected with the versatile art of cooking—in other words, with health. Chemistry teaches the antidotes and remedies for poisoning by food; upon chemistry depends the art of rendering houses wholesome. The young woman who removes a spot from her cashmere shawl employs chemistry. Do you deny the necessity for the study?

COUNT.—I yield to your chemistry; but geometry?

HOST.—What does education propose to do? Two things: to develop what is strong, to fortify what is weak. Now the general defect of woman is a lack of force in logic, and solidity in argument. Thence the inconsistencies which pass from their ideas into actions; half their faults of conduct are faults of logic. Geometry, by disciplining their minds, will correct their lives: well-balanced minds perform right actions.

COUNT.—Let geometry pass then; but natural history?

HOST.—Here I change the system; it is for the sake of the natural history itself, that I would have women apply themselves to this study. Madame Necker de Saussure, in her beautiful book on education, has already indicated a part of the improvement which may result to this science from the genius of women. But it is especially to one capital object that their co-operation will be of genuine benefit; that is, the domestication of animals. Almost the entire animal kingdom still remains for us to conquer. Of the millions of different insects which people the universe we have made but one species useful, the silkworm; five or six quadrupeds, eight or ten varieties of winged creatures, constitute all our wealth in this department. Women alone, by their faculty of observation, their practical minds, their neatness, their patient gentleness, their instinct of educating, would multiply these peaceful victories; and the farmer's wife, as well as the fashionable woman, finding in this science, the one a guide for the management of the farm, the other a diversion for her idleness, would

make by their individual improvements an advance for all humanity. If the daughters of Jersey had received a few ideas in natural history, the vaccine virus would perhaps have been discovered two hundred years earlier.

COUNT.—Good God! Would you have the women understand medicine?

HOST.—More! I could wish that the State would establish a course of lectures on hygiene for mothers; all of them ought to know how to auscultate their children, all should understand the symptoms of eruptive diseases, and how to administer the first remedies in a convulsion, in order to do well what now they do badly. How many mothers have lost their children by not knowing how to distinguish the peculiar cough of croup?

COUNT.—And do you know what will happen when you shall have succeeded in stuffing all the sciences into the head of one woman? The woman will disappear, and there will remain only a pedant. There are a thousand examples, living and dead, to prove that.

HOST.—Who cares for the examples! Is woman herself yet? Do you remember whence she comes, how she has been brought up, this poor emancipated thing of yesterday? Our grandmothers did not know how to read, and they made a boast of it. The women of our time still bear traces of the intellectual servitude of the past; they are mere parvenus in matters of learning; but when once the potent breath of liberty shall have passed over the race, and quite regenerated it; when, the exception of to-day becoming the rule of to-morrow, science shall be the dower of some, instruction the portion of all, then daughters and wives, throwing off, without even knowing it, those displays of pedantry, which are but the airs of slaves become masters, and moving freely in the new ways as in their natural paths, will bring science to the support of their delicacy, and perhaps lend the support of their delicacy to science. There is especially one study, that we have merely indicated, in which female genius, it seems to me, ought to

achieve wonderful conquests; and that is astronomy. The science of the Infinite, it belongs by right to the "priestesses of the unknown," as the Germans call them. Who shall affirm that these organizations, so fine, so subtle, so divining, shall not pierce, in nature, veils before which our reason, less inspired by the spiritual, stands blinded! They will not make the same discoveries as we; but routes which we do not trace will conduct them, perhaps, higher and further.

"I shall never forget a scene of which I was once a witness. I was present while a lesson in astronomy was given to a young girl and her brother; for the first time was opened to them the great celestial book. The pair were seated before their teacher; suns more innumerable than the grains of sand on the sea shore, worlds above worlds, God as boundless in power as space in its extent, the Infinite, in a word—such was the picture unrolled for them. The young lad, immovable, with eyes fixed, brows contracted, listened and gazed eagerly—for he wished to comprehend. The girl could only feel—pale, with nostrils quivering, and eyes filled with tears, she arose in spite of herself and advanced towards the master, as though fascinated by the very terror; his words seemed to conjure up for her an apparition full of charm and of alarm. The lad looked for God; she saw Him.

"Thus was materialized before me, as I may say, the peculiar genius of woman, which blends with everything inspiration and sensibility, for which every scientific study is one step nearer heaven. This is why I demand emphatically a thorough scientific education for women; it is for them to maintain religious ideas in the world, it is for them to propagate them. Let us then arm their faith with all the weapons of reason. A fatal prejudice has blinded the eyes of faith, like those of affection; and it does not fear to say that believing and loving are not seeing. Blasphemy for faith, ingratitude for love! A little knowledge keeps us at a distance from God, much knowledge brings us near to Him. Bacon said it, woman will prove it; and henceforth, invincible in her

pious mission, she will be at once the apostle of reason and the apostle of the heart."

Our host paused at these words, and the Count remained silent, like a man vanquished if not convinced; he made, however, a last attack, and replied in a bantering tone.

"An admirable programme, only it offers a slight inconvenience—it destroys the family. Who shall guard the children while the mother is regarding the stars? Who will manage the household, and watch, as Molière says, 'my pot, upon which I depend,' while the woman is experimenting in chemistry? Your learned daughters will be apostles, perhaps, to use your phrase, but wives and mothers—never! It is true that these duties are too earthy for theologians."

Up to that point, I had restrained myself to allow our host to talk, but on hearing that old eternal sophistry with which women have been crushed down for centuries, I exclaimed, in spite of myself:

"There it is! I recognise the old tactics, which, as Molière also says:

" 'Immolate the victim with a sacred brand.'

"If we speak of educating wives and mothers, 'Take care,' say the men of your belief, 'you are going to upset the family.' If we speak of granting them rights, 'Take care! you are going to destroy the feminine quality;' and thus hiding their envious despotism under a mask of respect, interdicting to women all intellectual or vital development under the pretext of leaving them empire in the family, and afterwards enslaving them in the family under the pretext of preserving to them their womanly character, they transform tyranny itself into a lying homage. Well, I tell you it is in the name of the home, in the name of the salvation of the home, in the name of maternity, of marriage, of the household, that it is necessary to demand for young women a large and serious education. Let us define, once for all, those venerable titles which have been made so many instruments of subjection—the titles of

wife and mother. Certainly no one bows with more respect than myself before those domestic functions—subordinate in appearance, sublime in reality ; for they are recapitulated in three words: Devotion to others. But do those functions comprehend all the duties of woman? To be a wife and a mother is that but to order a dinner, manage domestics, and watch over the welfare and the health of all? In other words, is it only to love, to pray for, to comfort? No. It is all that, but it is still more ; it is to guide and to rear, consequently to *know*. Without knowledge no mother is completely a mother, without knowledge no wife is completely a wife. It is not proposed, in unfolding to the feminine intellect the laws of nature, to make all our girls astronomers and physicians. (Do we find men becoming Latinists by devoting ten years of their lives to the study of Latin?) It is proposed to render their minds vigorous by acquaintance with learning, and to prepare them to participate in all the thoughts of their husbands and all the studies of their children. All the inconveniences of education are enumerated, all the mortal perils of ignorance forgotten. Education is a link between the married couple, ignorance is a barrier. Education is a solace, ignorance is a tormentor. Ignorance leads to a thousand errors, a thousand follies, in the wife. Why is such or such a woman consumed by listlessness? Because she knows nothing. Why is another coquettish, capricious, vain? Because she knows nothing. Why does she expend in the purchase of a jewel the price of her husband's labor for a month? why does she ruin him with debts which she conceals from him? why at night does she drag him, fatigued or sick, to the entertainments which bore him? Because she knows nothing, because no one has imparted to her a serious idea, which might nourish her, because the intellectual world is closed against her. Hers is the world of vanity and of disorder. Many a husband who mocks at learning would have been saved from dishonor by it.

“So, M. le Count, do not be afraid of education for wives

and mothers; it will only make them more worthy of their vocation. But though it should never serve them, to that purpose, still, I would say, it is their due.

“One fact has always impressed and pained me: all the virtues that are fostered in young girls, every opportunity of learning that is afforded them, have always marriage in view—in other words, a husband. You only perceive and cultivate in the maiden the future wife. Of what use will this talent or that accomplishment be to her, when she is married? is constantly asked. Her personal improvement is ever but a means, never an end! Does not woman exist then by herself? Is she God’s daughter only when she is man’s help-meet? Has she not a soul distinct from ours, immortal like ours, tending like ours towards the infinite through perfection? Do not the responsibility of her faults and the merit of her virtues attach to her? Above the titles of wife and mother, titles transitory and accidental, which death forfeits, obscures, and suspends, which belong to some and do not belong to others, there is for woman one title, eternal and inalienable, which precedes and governs all the rest. It is that of HUMAN BEING. Yes, as such she has a right to the most complete development of her mind and her heart. Away then with these vain objections, derived from the laws of a day! It is in the name of eternity that you owe her light.”

This declaration of principles cut short the sarcasm of the Count. Then turning to our host, “My friend,” said I, “one word more. You have spoken as a father and a philosopher: let me speak as a citizen. No imperfection exists in your reformed system of education, except that it is individual, and therefore exceptional. Now the exception counts as a hope, only when it concerns a common need. What matters it that one planter frees his slaves? All slaves should be set free. What matters it that one father’s affection thoughtfully educates his daughter? All daughters should be educated. This, society alone can accomplish, the law ordain.

See now: the State maintains a university for men, a polytechnic school for men, academies of arts and mechanics for men, agricultural schools for men, normal schools for men; and for women what has it established? Primary schools. Nor did the State establish even them, it was the Commune. It consigns to all the hazard of individual competition, to the mercenary management of private institutions, the education of one-fourth of our young French women. No inequality is more injurious. There are prisons and tribunals for women: there should be public education for women. You have no right to punish those whom you do not instruct."

"A public education!" cried the Count, with dismay: "that means Colleges." "Do you prefer the name of Lyceum or of Atheneum? It is of no consequence to me. I hold to the thing, not the word. Atheneums then; Atheneums for day scholars, appropriate by the character of their instruction and by their organization to the nature of women. Atheneums, founded and supported by the State, alone will revive female education, and give it a uniform and vigorous direction. Atheneums will perform well what courses of lectures and private establishments do badly. Atheneums will bring knowledge within the reach of all classes. Atheneums will solve the problem of public instruction united to private tuition. Atheneums will unite again the ties of family, by permitting the mother to keep her daughter with her while confiding her to the guardianship of the State. Finally, Atheneums, by thoroughly teaching of France, of her laws, her annals, her poetry, will make our women French. The Country alone can teach love of country."

I paused, the count smiled, my host held out his hand to me;—the father and the citizen were one.

CHAPTER IV.

RUIN.

IF we should be told that there exists a land where chastity is set at so high a price among women that it is called their honor; if we should be told that the loss of this virtue, annihilating, it would seem, all others in the eyes of the world, brands not only the guilty one but her family, and that daughters have been put to death by their fathers for this fault alone; if it should be added that this error, when the woman is married, will bring her before the courts; if she is a servant, will cause her to be expelled from her place; if an operative, will often expel her from her workshop; if she is rich, will consign her to celibacy—for the man who should dare to marry her would be accused in his turn of selling himself; if we should be told, besides, that in this country women are considered so frivolous in mind, and so feeble in character, that they remain minors during the whole period of their marriage; if we should be informed that among these people, the young men have but one aim—to rob women of this treasure; that all, poor and rich, beautiful and plain, patrician and plebeian, young and old, urged, some by sensuality, some by ennui, others by vanity, throw themselves into this pursuit, like bloodhounds on the heels of their prey; that, in short, by a singular contrast, the same people who load women with curses when they yield, elevate to a sort of heraldic distinction those who induce them to yield, and honor their success with a title reserved for the most glorious actions—the title of *conquest*; truly, if such a picture were presented to us, and we were asked to pronounce upon the character of the laws of that country, we would say: The law-maker should have but one thought—to protect the women against the men and against themselves; seeing on one side so much danger, so much weakness, and so much expia-

tory suffering, on the other so much power and impunity, he should throw himself between the seducer and his victim; armed for those who are unarmed, he should energetically re-establish the rights of justice and of chastity; every maiden seduced should be punished, but every seducer should be punished twice as severely, for he did the evil, or caused it to be done.

Such is the language that every honest man would put into the mouth of the lawmaker; but here is what our Code says:

*The maiden from the age of fifteen is alone responsible for her honor. Seduction not to be punished.**

Corruption not to be punished.†

Promise of marriage void. Natural children to be reared at the expense of the mother.

Such abandonment of public decency is not to be found among another civilized people, not even among barbarians. The fresh youth of the maiden, and the purity of the young wife, have always been, among legislators, objects of paternal solicitude. The old laws surrounded the virgin with an affectionate and respectful protection, as though the treasure of chastity made of her who possessed it a cherished casket; and thus was protected, in this youth and this virtue, the only earthly image of a purity which reminds us of Heaven. The beautiful law of Moses is known to all: "The maiden hath cried and hath not been heard."‡

Among the Germans the price of an outrage committed upon a virgin, *vergheld*, was two-fifths more than that for a warrior. Every free man who touched the hand of a free woman was fined 600 deniers; he who touched her arm, 1200; he who touched her bosom 1800; merely to dishevel her hair (*eam discapillare*) entailed a considerable penalty.

* In legal language, the seducer is he who corrupts on his own account: the corrupter, he who debauches for the benefit of another.

† We will speak further on of the absurd penalties for corruption.

‡ Moses supposed violence on the part of the man, if the maiden had not been heard,

Abduction and Rape called down terrible penalties upon the guilty person. A Visigoth, who abducted a woman and violated her, was delivered over to her as a slave, with all his goods.

Childebert, in one of his "Constitutions," expresses himself thus: "Let no one of our noblesse, after having committed ravishment, think to soften us; but let him be pursued as an enemy of God, in whatsoever borough he is found; let the magistrate of the place assemble the men-at-arms and put him to death; even if he take refuge in a church, the bishop shall deliver him up, and he shall be put to death."

Seduction alone, even the mere intention of seduction, was considered a crime, and the man convicted of having attempted to seduce a wife or a maiden, was given over to the father or the husband, to be disposed of at his pleasure.

The Canonical law* defined defilement, even without violence (*volente virgine*), by the name of *stuprum*, and the *stuprator* was condemned either to marry the girl so corrupted by him, or to bestow upon her a dowry, if her father did not choose to accept him for a son-in-law; in default of fulfilling one of these two conditions, he was beaten with rods, excommunicated, and imprisoned in a monastery, there to perform perpetual penance.

In short, the common law visited upon the head of every seducer the severe measure of investigating the paternity, and if once he was discovered to be a father, he was subjected to all the paternal responsibilities.

Thus religion, Jewish and Christian, civil laws, canonical laws, Franks and Germans, Germans and French, all have energetically protected the purity for which women are held to such strict account, and the loss of which is the ruin of families, and often of the state itself.

The Code appeared; what has it done? Of the four great crimes which strike a blow at morals — *seduction*,

* Liber quintus Summæ Hostiensis, p. 364.—*De Stupratoribus*.

corruption, abduction, and violation—it has overlooked the first two, the two most frequent, most easy, most demoralizing.

For instance, what barrier has it established against Corruption? This is the text of the law: "Whoever shall have put public morals to shame, by inciting, countenancing, or *habitually* facilitating the debauching or corruption of an individual under the age of twenty-one years, shall be punished by imprisonment from six months to two years, and be fined from fifty to five hundred francs" (P. C. 434).

We should observe that this must be *habitually*, as a business. So if a lewd woman or man, having insinuated themselves into the house of virtuous persons, corrupt a daughter for the benefit of an employer, the severity of the law does not reach them—they corrupt *accidentally*; one occasion does not constitute *habit*; and if this lucrative experiment induces an inclination to pursue the business, they have the power, by paying five hundred francs once, and submitting to two years of confinement, to dishonor ten families and betray thirty young girls for gold;—it is all profit, almost a patent right.

As for Seduction, that at least which men practise, the law declares that it does not exist when a young girl has passed the age of fifteen years; it is she who from that time is accounted the seducer. Though the man who dishonors her be old and she young, though he be profligate and she pure, though he be rich and she poor—no matter; she is fifteen years old. Her rôle of Eve has begun. In vain do you protest that the age of fifteen is that which has the greatest need of protection; that at this period the passions which agitate her render the young girl an involuntary accomplice of all those who address her affectionately; that her developing beauty, her very innocence, attracts all desires and enticements towards her;—the law replies (we will explain this hereafter), that the surest way to protect her is to abandon her.

Abduction and Violence remain.

The law against Abduction is severe and just.

The law against Violence leaves room for one important observation.

Our Code is admirable as a pecuniary code; and if the purity of young girls, as we have seen, scarcely awakens its anxiety, by way of compensation what a touching solicitude it manifests for their money!* To demonstrate this in all its aspects, let us compare the penalties which attach, on the one hand, to offences against property, on the other to offences against morals—here violation, there theft—here breach of trust, there breach of promise.

So there are two kinds of majority; the full age of the heart, and the full age of the purse; the first commences at fifteen years of age, but the second is postponed till twenty-one. A young girl is quite capable of protecting her honor; but her money? Oh no. The law recognises as a crime only one sort of robbery of honor, violation; but it defines, pursues, and chastises two kinds of robbery of money—*larceny*† and *fraud*; there are thieves of coin, there are no thieves of chastity.

Rape‡ perpetrated upon a girl under fifteen years of age is punished by hard labor for a term of years; if the girl is over fifteen, with imprisonment.

Robbery is punished by death§ if perpetrated by night, with violence and with weapons; it is punished|| by perpetual hard labor if committed upon the public highway; by hard

* Let it be understood that we do not question the concern of the Legislator as to property, but his carelessness in respect of moral interests.

† Under these two heads a thousand forms of robbery are considered; the Penal Code employs twenty-one articles, from 279 to 300, to describe them all; and it concludes with article 401, wherein are these words: "Other larcenies not specified in these articles—grand larcenies and petty larcenies, also attempts at these offences—shall be punished," &c., &c.

‡ Penal Code, arts. 331, 332.

§ Penal Code, art. 381. The article requires the concurrence of two out of the three circumstances described; the robbery must have been committed by several persons, by scaling a wall, or by burglary.

|| Penal Code, arts. 382, 383.

labor for a term of years* if committed without violence but with burglary.

A *bargain* is equivalent to a sale† when there is agreement as to object and price.

Promise of marriage is void, even when everything has been specified—object, time, price even, alas! When this price—that is to say, the person—has been paid before fulfilment of contract, in vain shall it be urged that the man made the promise, that he seduced the young girl only through this hope, that he represented marriage to her as very near, as certain; the law takes no account of any determining circumstance. The man has the right to come before a magistrate and say, “This is my signature, it is true—but I abjure it; a debt of the heart is void before the law, like a gambling debt.”

But, at least, it is a debt of honor before the world? No, the dishonored is the victim. But, surely, the courts will repair the indifference of the law and the wrong of the world? No, the judge, like the legislator, is without pity.

Take examples:

A young washerwoman,‡ with unblemished reputation, and even distinguished for propriety, carries home some linen to a student, in the month of July, 1844. The student is in bed; he rises up suddenly and throws himself upon her, drags her clothes off her, beats her, and threatens to throw her out of the window if she resists him; he is foiled in his design only because the indignant girl tears herself from his arms and calls for help.—What penalty was inflicted on this wretch when brought before the magistrate? None; there was no rape here, no outrage to public decency.

A young man§ formed a connexion with a young *ouvrière*, and made her his mistress; he lived with her nineteen years, and allowed her to take his name; from this union five children were born, whom he himself presented to the State, and

* Penal Code, arts. 384, 385.

† Civil Code, art. 1589.

‡ Ordinance of Oct. 11, 1844, *Affaire Cœur*.

§ Civil Tribunal of the Seine, April 15, 1847, *Affaire Dentend*.

whom he placed at a boarding-school, where they were called by his name. These nineteen years having passed, he wished to marry; so he drove away the woman and her five children. She demanded at least a maintenance for herself and them; he refused. Outraged, she appealed to the court; the court spurned her. The man owed nothing to the woman, he had not violated her; he owed nothing to the children, he had not acknowledged them.

A young woman, twenty-four years old,* a servant, was dragged into a chamber where there were five young men. It was night; they surrounded her, they importuned her, they threatened her. After a struggle of three hours, the unfortunate girl, exhausted, consented to yield herself to one of them, only asking, that in mercy the light might be put out while she removed her clothing. The light was extinguished. Immediately, she made the sign of the cross, and taking advantage of the darkness, threw herself from the open window. There was a terrace beneath; in falling, she broke her wrist and several of her teeth. The young men ran to the window, "She is ours!" they cried, and hurried off in pursuit. Frightened, she arose and again threw herself from the terrace into the street; covered with blood, her head cut in three places, she dragged herself to the porter, who afforded her protection.—What punishment was inflicted on these five villains? Four were acquitted; only the proprietor of the chamber was condemned to two months' imprisonment. There had been no rape, no outrage to public decency.

And these decisions must not be regarded as exceptional cases, culled carefully to serve a purpose from the midst of a thousand contradictory facts; they have the very spirit of our jurisprudence, in them are summed up what are called its principles. Thus on every side, in practice and in theory, in the world and in the law, among the rich classes as with the poor, we see the public purity abandoned, and a loose rein for all

* Case of the girl Fournier, 1846.

ungovernable and degrading passions. The result is that all thinking men, who pierce the slight surface of decency with which the police disguises our society, recoil horrified, as if they had penetrated into a vast sewer. Economists, statisticians, all have but one cry, but one story, as though they had had a glimpse of Sodom; for depravity appears there in all its aspects, licensed, clandestine, occasional, continual. Manufacturers seduce their employées,* foremen of workshops discharge young girls who refuse to yield to them, masters corrupt their servants; of 5083 lost women enumerated by the grave Parent-Duchâtelet, at Paris in 1839, 285 at least were domestics, seduced by their masters and discarded; agents, officers, students debauch poor country girls and carry them to Paris, where they abandon them, and where the houses of prostitution receive them. Duchâtelet counted 409 of such. In all the great centres of industry, in Rheims,† in Lille, there are organized companies for recruiting Parisian houses of infamy; procurers stationed at the very doors of the factories are on the watch for seasons of stoppage or famine, the days of despair or of illness; and a bargain once made with misery, they forward their human merchandise to the capital. Inside the factories is the same vile system; their daily labor throws men and women together, side by side; dormitories in common often bring them in contact like gipsies, and often the same closet‡ serves for both sexes. To complete the mischief, infamous old women, distributed among the younger, make it a study, while working with them, to enlighten the latter as to the value of their beauty, and teach them the use of it, making them ashamed of their innocence; so that the poor girl hastens to dishonor herself in order to boast of it, and thus to escape from their sarcasms, while at the same time she allays her excited passions. In short, into the very hospitals, to the

* These details have been certified to me by the commissary of police of one of the most populous quarters of Paris.

† See *Condition des Ouvriers*, by M. Villermé, vol. i., *passim*.

‡ *Ibid* v. I., *Industrie Cotonnière*.

bedsides of the poor young operatives, horrid brokers of prisons and poor-houses insinuate themselves, to discount for the convalescent her returning health, her reviving beauty, and buy her in advance for four or five francs a week.

In the face of such abuses where do legislators find courage for their silence and their neglect? With what arguments do they appease their consciences? On what principles do they establish the two-fold theory of indulgence for corruption and impunity for seduction? As to corruption, they are silent; as to seduction, they protect it (who would believe it?) by two moral maxims and one public ordinance.

Investigation of paternity is prohibited, as impossible and scandalous.

Every contract which has for its object a shameful gratification is void by law.

To grant to a guilty girl an action at law against her seducer, is to offer a premium for the encouragement of lewdness.

Ah! if these pretexts of morality, these lies, were not uttered in good faith; if one did not know that the human heart is prone to satisfy itself by such sophistries, it would be necessary, instead of combating them as errors, to stigmatize them as infamous—a premium for lewdness! But what premium more shameful, more enormous, can you accord to it than this very impunity permitted to the man? What! do you not see that in disarming the young girl you are arming the seducer? Do you not see that in adding to his resources—of riches, address, experience, sensuality, and vanity—the sanction of your acquittal, you make yourselves his agents or his accomplices, and that you demoralize the public conscience, which always supposes that he is innocent whom you absolve? Let the guilty girl be punished, but punish also the man; she is already punished by abandonment, she is punished by her dishonor, punished by remorse, punished by nine months of suffering, punished by the expense of rearing a child. Let him, then, be smitten in his turn; or else it is not public

decency, as you say, it is masculine supremacy, that you are protecting, and in its vilest aspect—the feudal right.

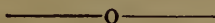
In respect to the investigation of paternity the sophistry is yet more apparent. It is proscribed as impossible and scandalous. Granted; but why, then, authorize the investigation of maternity? Is it so easy to convince a mother, after twenty years, that such or such a child is her own? You may prove her pregnancy, perhaps her accouchement; but how difficult to establish the identity of the child! As for the scandal, on which side is that greatest? A man is married, and father of a family; suddenly up comes a stranger, pretending to be his son, who throws himself before an honorable fortune, to usurp half of it. Certainly, the blow is cruel; but one only pities such a man—he is unfortunate, not disgraced. On the contrary, if it concerns a woman, all her prospects are shattered, broken, blasted—past, present, and future; she is lost to the regard of her husband, lost to the hearts of her children—lost, whether for truth or slander; for the world sees in her acquittal not a proof of her innocence, but only that the evidence to convict her was lacking.

Observe, that, of all human errors, the error of maternity is the only one which is not limited. Theft, murder even, is absolved after a time; but a woman, after forty years of expiatory virtues, may for ever fall under a blow inflicted by her own son.

To resume:

The interests of the child, and public morality, are the two pretexts alleged in favor of this system. We reply, Why so much concern on behalf of the children against the mother, so little against the father? Why is this solicitude for public morals so promptly awakened when it injuriously affects the woman? and why is it so promptly suppressed when it operates for her protection? Evidently it is false and wicked. In the eyes of every honest man, seduction, especially among the working classes, is exerted a thousand times oftener by the man toward the woman, than by the woman toward the man.

Then there should be a law against seduction; and what form shall it assume? Shall it allow a trial to the seduced girl? Shall it strike only at the seducer? Shall it permit the investigation of paternity? It is not for me to say: but one thing is certain, that there must be such a law; for it is impossible for a community to live with such a cancer at its heart; politicians as well as moralists, statisticians as well as philosophers, physicians, guardians, public officers as well as thinkers, all stigmatize with indignation the fatal doctrine of impunity. Impunity, assured to men, doubles the number of illegitimate children: and half of the thieves and murderers are natural offspring. Impunity fosters libertinism: libertinism enervates the race, wastes fortunes, and defrauds children. Impunity fosters prostitution: prostitution undermines the public health, and makes a profession of idleness and licentiousness. Finally, impunity surrenders half the nation as a prey to the vices of the other half: and therein is its condemnation. Let no man cite the English law and its unhappy consequences. A wrong application of a principle does not destroy the principle itself. If the English law is badly constructed, re-construct it; reform it till it becomes good; and though it should never be perfect, adopt it; for above the inconveniences of such or such a case, above the obstacles which occur unexpectedly in practice, above societies themselves, arise principles which should be respected at any cost; and the most sacred of these principles is the purity of the human soul.



CHAPTER V.

YOUTH; THE MARRIAGEABLE AGE.

THERE is but one step from adolescence to Maidenhood. With young women, as with plants in May, every

hour is as a day, every day as a month—so full of life are they, so quick to develop. Nature at such times makes no slow and invisible advances; in one night a shrub, that scarcely budded yesterday, is covered with leaves and flowers. In barely one season, under your very eyes, the child becomes a young woman, the young woman is betrothed, affianced. What father does not feel himself possessed by mingled astonishment, pride, and fear at this transformation, which every day shows him in his daughter a new being, changing his affection into a species of respectful regard, and afflicting him with sadness by compelling him to reflect that the moment of separation is rapidly approaching, that it has even come.

The law has fixed the marriageable age at fifteen years; custom at seventeen or eighteen; both, in our opinion, unwisely hasten the event.

In all nations the marriageable age for young girls indicates the condition of the women. Menu* saw in them only objects of pleasure; he married them at eight years of age. Numa† wished to deliver them over, while yet tractable and easy to be moulded, to their husbands; he married them at twelve. Lycurgus‡ sought in them only vigorous generators; he married them at twenty. If we wish them to be free in their choice, and free in their lives, let us go backward.

In the eye of the law, which considers only the body, the girl of sixteen years is a woman because she may be a mother; but to the physiologist and the moralist she is only a child.

It has often been observed that the first-born are generally puny; and among the nobility the brightness of the younger children and the stupidity of the elder have justly become a proverb. Why? Because women were married, and are married, too young. A girl of sixteen years, or even of eight-

* The *Laws of Menu*, book ii. It is necessary to consider the climate; eight years in India are equal to more than fifteen in this country.

† Plutarch, *Life of Numa*.

‡ Plutarch, *Life of Lycurgus*.

een, has only an appearance of vigor; gestation enervates, nursing exhausts her. She is no more fitted for the duties of a mother than for those of a wife. Indeed, what does the girl of sixteen marry? Her husband? By no means; thanks to our customs she does not know him, and thanks to her youth she cannot know him. She marries a face if he is handsome, a fortune if he is wealthy, a coat if he is elegant; but himself, his moral being, as worker or thinker, I defy her to know, for she is necessarily a stranger to that which constitutes the core of the heart, and the life of the man, as to the labors which occupy the one, and the thoughts which animate the other: she marries, to use the language of geometry, x (an unknown quantity).

There are two causes for this misfortune: first, the vanity of many parents, who make it a point of honor to marry their daughters very young—it establishes a kind of tilt between families; and then a strange masculine self-love which has decided that a man is always ten years younger than a woman, and that a woman of twenty-four, or even of twenty-two, can only aspire to a mature man. I do not know but I deceive myself, but it appears to me that we create for ourselves singular illusions about the relative decline of women and of men; we are very severe upon them, but by way of compensation very indulgent for ourselves. Legislators even of that which is outside the law, we have skilfully converted the blemishes of our mature age into beauties.

Obesity among us is called portliness, wrinkles give expression to the brow and the mouth; baldness bestows breadth to the head by uncovering it—and this extends even to gray hairs, which, indicating profound meditations, transform every middle-aged man into a thinker; and finally, establishing, as Madame de Genlis has so wittily remarked, the superiority of our decline even in the language, we say of a dying rose that *she fades*, of a dying oak that *he is crowned*.

Does nature sanction our decree? Does she limit the reign of woman's external graces to so few years that her decline

commences ten years sooner than man's? We do not believe it.

Indeed, if the charming fresh bloom of the face lasts but little longer than the early youth of the young girl, many new beauties come to replace it. A woman's figure does not assume grace and freedom till after her twenty-second year; her hands are never so beautiful as at twenty-five; her neck at this age rises more elegantly, her shoulders widen, her bust expands, and all parts of her body are blended in a harmony of pliant and graceful movements, which do not belong to early youth. The ancient sculptors, those intelligent worshippers of beauty, have wonderfully expressed this natural progression. The charming Venus of Naples, which represents the girl in adolescence—the Diana with the deer, her elder sister—the Venus of Milo, their sovereign—reproduce for us in perfect types the three successive periods of perfect beauty in women. Is it not at twenty-five, and at that age only, that that second and lasting charm of the face appears, which is physiognomy? Is it not then that the inner fire of intelligence breaks forth in the glance; that the refinement of the mind is revealed in more finely chiselled and more flexible nostrils; that the soul, especially the soul devoted and tender, overspreading the lips in smiles and in tears, shows us woman in all the lustre with which God adorned her when He created her? In fact—and this is our main argument—a woman is not in the rich fulness of sensibility and intelligence till she is twenty-five years old. Then, were it true that a grievous law of nature condemns her to be old and young at the same time, were it true that her inner beauty only blossoms in the midst of a physical organization commencing to decline, like the perfume of a flower which is exhaled only from a corolla half withered, the woman, young in thought and young in heart, would have the right, in the name of that heart and that thought, to demand a companion as young as herself. Happily, as we have seen, she may do so on other grounds, and the young woman who defers her marriage until she is

twenty-two, does not lose the privilege of marrying a young man.

A grave difficulty is presented nevertheless. How shall the dear girl go without love these four years, the most romantic of life—from eighteen to twenty-two? How shall her parents employ her?

The peril is great; but the resources are numberless. Dangers and resources are alike important to examine.

Parents cannot disguise the fact; passion is there, imminent, portending passion. Their daughter is no longer the same; a show of affection, a touching recital, will draw from her abundant tears; her very happiness is pensive. How to prevent this heart from being stirred, from choosing and being deceived? Indeed at this age the object beloved is almost nothing in the affections.

Like children, who admire in shapeless playthings everything that their lively imagination devises, we bear within us so vivid an ideal of love, that we bestow it upon the first being on whom our blind sympathy stumbles. At eighteen we are all Pygmalsions, we adore our own creations. Hence so many visitations of bitterness, when the illusion vanishes. We reproach the statue for being cold; it was always so, only our heart was burning; we break it because it is marble, it was so yesterday as to-day—only our hand was alive. Meanwhile the soul, healed but disenchanted, and leaving a part of itself in the cure, has lost the most exquisite charm of love—faith in its eternity.

In the presence of such a peril the prudent mother does not hesitate. Instead of discarding from her conversation with her daughter the name of love, as though it did not exist, or anathematizing it, as though it were an evil genius, she depicts it to her in its true likeness—that is, as the native guest of all great souls, creator of all that constitutes the good and the beautiful in life. Young hearts are lost less by love than by that which resembles it. If the maiden learns that nothing is more deadly to this divine sentiment than

those transient fancies which make bold to call themselves by its name, if she perceives in it one of those rare treasures which may be acquired only by conquering them, which we keep only by deserving them ; if she knows that the heart which would be worthy to receive it should purify itself like a sanctuary, and be made glorious like a temple—then be sure this sublime ideal, engraven in her, will disgust her, by its beauty alone, with the vain images which profane or mock it ; idols are not worshipped where God is known.

This is not all. The mother, in order to satisfy the necessity of loving which she discovers in her daughter, calls to her aid one of the most beautiful laws of the human soul. We may not annihilate our passions, but it is possible to guide them ; they are in our hearts like a living spring, which bubbles, gushes, overflows in spite of us, but which our hand may turn, to direct its course at our own will ; in other words, the same passion may be gratified almost equally upon two different objects, and the evil or the good depends oftener upon the object of the passion than upon the passion itself. The ardor of heart which precipitated Saint Augustine into the most boundless licentiousness was the same that impelled him to the most spiritualized emotions of piety. St. Theresa is only Héloïse looking toward Heaven. Therefore, wise mother, be not afraid of this craving for affection, which frets the heart of your daughter ; do not always see in it a husband, as the speedy and inevitable conclusion : she loves, she wishes to be beloved. Well, open to her the vast field of charity ; let benevolence, instead of being to her an almost selfish gratification of the heart, an alms which one tosses as one passes, become a condition, and enter into the habitual course of her life, like prayer, like study, like the care of her own person. So many hours every day for this occupation, and every day the same hours ; give her one, two, three families to visit and help.* To im-

* We will here be reproached, perhaps, with considering only young women of the wealthy class ; but the daughters of the people, and country girls, are

press upon her this practical instruction, take her into the factories, and there do not spare her the terrible and hideous spectacle ; the lesson can never be stern enough, for it can never be too well-known. Show her (she who seeks protection against the lightest breath of air by rich warm clothing, who prolongs her sleep till morning in a downy bed), show her poor little girls of six years old dragged away from their repose in winter before daylight, and carried to the factories, weeping and shivering, upon the shoulders of their mothers.* Show her, in the large manufacturing towns, poor young girls of her own age, victims of a thousand painful diseases, their bodies deformed, their necks swollen with scrofula, their fingers consumed by ulcers, their limbs distorted. Although at first sight she may recoil with horror, persist. Hers is not a visit of idle curiosity, it is the beginning of a duty. Then will her soul be flooded with this love, the purest and most fruitful of all—love for the poor ! Before such stern realities factitious griefs and meretricious attachments will vanish as if ashamed of themselves. She will behold life and marriage, which until now have appeared to her only as fascinating dreams, in their austere aspects—with their careworn husbands, their sick children, their child-beds of agony. At eighteen we give up our whole souls to whatever interests us. This continual exercise of charity, this daily association with misery, will fill her life and her heart to the very brim ; love for everybody will keep at a distance the love for one.

Next to charity comes study.

Society complains unceasingly of the indifference of women to grave studies, and cites in proof of it their eagerness to throw aside their scientific books, and abandon the exercise of their talents, from the day after the wedding ; nothing more plainly shows their good sense. What does it matter to

married at a medium age, about twenty-three years. (See Villermé, *Condition des Ouvriers*.) Our observations cannot therefore apply to them.

* Villermé, *Condition des Ouvriers*, manufactures of Lille and Rheims, *et passim*.

them that Tiberius succeeded Augustus, and that Alexander was born three hundred years before Jesus Christ? How does that reach the depths of their lives? Knowledge is a charm or a support only when it is converted into ideas, or realized in actions; for knowing is living—or in other words, thinking and acting. But to attain this end the education of young women is too frivolous in its object, and too brief in its duration. Almost never, with our daughters, does study have for its real end the improvement of their minds, or to give them the disinterested love of science and art, its every department being arranged in view of the opinions of other people. A teacher of history is as much a teacher of manners as a dancing master; a music teacher is a teacher of vanity. There is no provision for the solitary pursuit of study—that is, for the heart and thought in solitude. How can it be otherwise? Young girls are taken from school at the very season when study becomes fruitful, when the second and true education begins, that which every one achieves for himself—when the mind, taking up again, one by one, all the studies which have been previously gone over in the rough, perfects them, makes them its own, and transforms that which was only a deposit for the memory into food for reflection. Postpone the marriageable age, and with it the boundaries of female intelligence will expand: before the eyes of woman will be displayed all the riches of truth, all the splendors of the beautiful; her imagination will develop at the same time that her reason takes form, and upon this double support will her character be elevated and established.

Finally, after study, and with study, pleasure. To youth pleasure is a necessity. To postpone your daughter's entrance into the world until her marriage is to inspire her with the wish to be married that she may go to balls or theatres. If you wish to retain your children with you, amuse them. It is not their right, but your necessity; a time comes when you must (pardon the familiar expression which alone expresses my meaning) be a *coquet* for your children—especially for your

daughters, who are always with you; *coquet* in your person, in order to conceal from them the imperfections of old age; *coquet* in your temper, to make their home lovely and pleasant to them; *coquet* in imagination, to invent amusements and games for them. Happily the cost of invention is light; it does not require a fortune to succeed: an impromptu breakfast in the woods, a dance with only a piano for orchestra, and all hearts are filled with joy. What do you fear? a too familiar intercourse with young men? There is not a surer safeguard against seduction.* We banish men from the presence of young girls with such restless anxiety that they are dreamed of as irresistible.

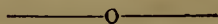
If you wish your daughters to be safe, make them acquainted with men. What are you still afraid of? Coquetry? The coquetry which strives to inspire sentiments which it does not reciprocate, is a frightful and detestable vice; but the desire of pleasing innocently is one way of loving one's neighbor. Open then, open wide the world of innocent diversion to the ardor which is still innocent; let the careless age walk hand in hand with the age of sport; they are so beautiful together.

Nature affords us a charming lesson on this subject. When the ants are young, they all have wings; so when the time for love arrives, they rise in the air in humming couples, and pair in their happy flight; then, the work of fecundation completed, they descend to the earth again, and there, with their own fore-feet, tear off and throw away their little wings, delicate vehicles of their aerial loves. No more soaring through the air, no more idle caresses; earnest life has begun with them—they are mothers.

This is our model. Let not the young girl be married until her mind is free, its frivolous desires having been satisfied; let her bring to her new condition a character formed by a

* The United States prove this. We there see complete freedom of intercourse between young men and young women; yet that liberty, as all travelers agree, involves no social disorder.

life of labor and of charity; let her physical organization, fully developed, be trained to endure the fatigues that await her; in fine, let her be a wife, a mother, and not a child—that is to say, let her be twenty-two years old, and not eighteen.



CHAPTER VI.

CONSENT.

Two young persons are about to be united; their union has for its prime object the blending of their hearts and lots—an indissoluble partnership, influencing every moment of their lives. In such a case, what would appear to be the first duty of the parents? To ask them both, “Do you agree to be united?” And yet it has required centuries of strife to procure for the daughter the right to interfere in the matter of her own betrothal.

Open the Bible; what do you find in the marriage of Leah or Rachel? A suitor who proposes, a father who responds; some one who bestows, some one who receives. As for the maiden, she is absent or silent; she is promised, given away, taken away—yet we have never heard her voice.

A tradition of ancient mythology tells us of the fifty daughters of Danaüs, twice married; the first time they were drawn by lot, like prizes in a lottery—afterwards they were awarded, still as prizes, in a sort of tournament.

Montesquieu cites this custom of the Samnites: “At certain times,” he says, “they assembled all the young men of the country, and subjected them to public scrutiny. Then judgment was pronounced, and he who was declared the most worthy took to wife the maiden whom he preferred; the youth who was adjudged next best had the second choice; and so on to the last.”*

* *Esprit des Lois*, b. 6, ch. 7.

What is he talking about—things, or human beings?

These Samnite girls are put on exhibition like the Danaïdes, they are distributed like bits of finery; and Montesquieu, great and modern as his mind is, has not one word to say against their odious purchase and delivery. Even worse—impressed solely by what the men gained by it, he does not perceive what the women lost, and the law appears to him ingenious, and even grand. “Where can we find,” he cries, “a more admirable institution?”

In Greece, as long as the father lived, he “married off” his daughter, and she was powerless to oppose his will.* In default of male issue, if the paternal inheritance fell into her hands she took the name of ἐπικληρος, an attachée of the estate and dependent on the inheritance. In effect, the fate of the *succession* became hers; by law every girl belonged, as wife, to him who would have been her father’s heir if she had not been living.† She was the property of this kinsman; and if there were several of the same degree, she was required to espouse—which? The oldest. This right of the inheriting kinsman even dissolved a marriage contract previously legalized for the girl by the consent of her father; and even though she were a mother, she might behold this kinsman enter her house in the character of a master, to tear her from her husband and her children. She was obliged to marry him.‡ Only one exception limited the abuse: when the husband of the heiress chanced to be a relative in the second or third degree, she might remain his wife in spite of the opposing claim of the inheriting kinsman; but she relinquished to him

* *Revue de Legislation*. Organization of the Athenian Family. Oct. 1845.

† *Ibid*.

‡ Isæus, *Succession of Pyrrhus*. “According to your jurisprudence, women who were dwelling with their husbands, women who had been given in marriage by their fathers, could be reclaimed, by virtue of the law, by the nearest kinsmen, if their fathers should die without leaving legitimate brothers; and many husbands thus saw their own wives abducted from their own houses.”

half of her inheritance.* What became of the *consent* of the affianced girl in the face of such legislation? Given away, and taken back again, she was also bequeathed. A father, if he had no son, could bequeath his daughter, with her inheritance, to a stranger. Worse than that: A husband could bequeath his wife to a friend; the mother of Demosthenes actually constituted part of a testamentary donation left by her husband to Demophon.†

Rome emulated Athens: not only could a Roman father marry his daughter against her will,‡ but he had the right to break an alliance already formed by himself, and to take back his daughter from the husband on whom he had bestowed her, whom she loved, and by whom she had had children. "Impossible!" some may say; yes, morally impossible, humanely impossible, paternally impossible—but historically incontestable. "My father,"§ cries a Roman daughter, in Plautus, "if my husband was a dishonest man, why did you give me to him? If he is irreproachable, why separate us now against our will?"

In another drama of Plautus, the *Stichus*, we find two young wives whose husbands have been absent more than three years, and whom their father would compel to marry again. "My grief," says the younger, who is called Pinacia, "is that my father should desire to act so disloyally towards our absent husbands, and to tear us from them: this is what distracts me, wastes me, and drives me to despair." To which her elder sister replies, "Fear not, dear sister; our father will not do so; but if he would, we must obey, for we are required to do as our parents command."

This abominable law was so firmly established in Roman

* *Revue de Legislation*, *ibid*.

† *Demosthenes against Aphobus*: "My father bequeathed my sister to Aphobus, and my mother to Demophon." *Demosthenes for Phormion*: "Passius having died after making his will, Phormion, by authority of that testament, married his widow."

‡ *Law of the Twelve Tables*.

§ Laboulaye, sec. i. ch. 2.

customs that it was not possible to prostrate it at one blow; it was necessary to attack it repeatedly, and with caution. Antoninus, who was the first to take measures to repeal it, proposed the innovation under the disguise of advice, and especially recommended that fathers be not commanded, but *persuaded* (*ut patri persuadeatur*), that they would do well to relax their paternal authority on this point.*

The Scandinavian sagas affords us, apropos of this subject of betrothal, the wild and bloody legend of Halgerda:

In Iceland there dwelt, with her father, a maiden of beautiful countenance, imposing form, and most proud heart; and with hair so gloriously abundant that it hung in ringlets lower than her girdle. Halgerda was her name, her surname Langbrok (the manful maiden).

In due time came Thorwald, from a neighboring country, to ask her in marriage of her father. The two discussed the terms together, and the father accepted; but without speaking on the subject to Halgerda, for he feared her refusal. Thus the marriage contract was concluded, and Thorwald paid to his future father-in-law the price of *mundium*, which was the authority that the head of the German family exercised over its subordinate members; and for which, when he transferred it to the husband, the latter paid him a stipulated price. So Thorwald purchased Halgerda, and the negotiation ended, he returned home.

Next day came Halgerda's father to her, and said:—"Thou art betrothed to Thorwald; I have received the price of *mundium*."

"Now truly do I see," replied she, "that thy love for me is not as thou hast boasted, since thou hast not deemed me worthy to be consulted in this matter."

"And I," replied her father, "do not grant to thy insolence the right to oppose my arrangements; if we are divided in opinion, it is my will, not thine, which must prevail."

* Ulpian, b. i. § 5.—Laboulaye, *Roman Law*.

"My father, thou and thy race have proud souls: is it strange that I should be like my family?"

With these words she turned away; and meeting her tutor, Thiostolf, a man of inflexible and ferocious character, she told him of her grief.

"Take courage," replied he; "thou shalt be married again, and then thou shalt be consulted."

The marriage took place, and ere a month was passed, a quarrel having arisen between them, Thorwald, in a moment of rage, struck his wife in the face, making the blood flow.

Halgerda sat down before her house, her face bloody and her soul outraged. Thiostolf, the tutor, passed by, and saw her.

"Who hath treated thee thus?"

"My husband; and thou, my tutor, wast not here to defend me."

"At least, I will avenge thee."

In a few hours Halgerda beheld him return, bearing an axe all bloody.

"Thine axe is red with blood," she cried; "what hast thou done?"

"I have done the deed which enables thee to espouse another man."

"Sayest thou that Thorwald is dead?"

"Even so."

Without another word, Thiostolf departed, and went to seek refuge with a kinsman of Halgerda; while she, repairing to her apartments, opened her casket and took out her jewels, which she distributed among her servants, all weeping at her departure; then she set out for the land of her father.

"Why," said he, on seeing her, "doth not thy husband accompany thee?"

"He is dead."

"How?"

"By the hand of Thiostolf, my tutor."

"What is done is done," said her father.

Two years had passed, when Glumm, a wealthy proprietor of an adjacent island, came to ask the hand of Halgerda.

"I must confess to thee," said the old man, "that my daughter's first marriage, which I forced upon her, did not turn out happily."

"That does not affect me," replied Glumm; "the fate of one man is not the fate of all."

"So be it; but first of all, Halgerda must be made acquainted with the terms and conditions; she must see thee, and thy acceptance or rejection must be left to her decision."

Then Halgerda enters, accompanied by two women. A blue mantle of fine tissue hangs from her shoulders; around her waist glitters a silver girdle, in which is looped her long hair, as it falls on either side of her bosom. Gracefully saluting all the company, she asks what news they bring. Glumm rises:

"I have come to say to thy father that I will take thee away with me, to be my wife, if thou art willing."

"I know thee for a distinguished man," replies Halgerda, "but first I would learn the conditions of the contract."

Glumm explains to her all the terms on both sides, and she says:

"My father, thou hast this time acted so generously towards me that I accede to thy wishes."

"Then prepare the contract," rejoins Hoskuld; "my brother and I will bring forward witnesses to our promise; but thou shalt be witness for thyself—thou alone shalt promise for thyself."

The wedding was celebrated with a royal banquet, at which the tutor was present with his axe on his shoulder; and the pair departed for the native country of Glumm.

From this strange story we may imagine that the old Norse families drew many a sad and sombre drama from their custom of excluding young women from their own betrothment; and we find the unjust law in all its rigor among the Franks and Germans.

There, indeed, not only did the daughter require the consent of her father or her nearest kinsman before she could be

married, but if a widow she must also have the consent of her deceased husband's kindred ; she had been purchased by him, like Halgerda ; she was entered in the catalogue of his goods, and as such she belonged to his heirs. The widow who wished to marry again assembled in her nuptial chamber nine witnesses, and the relatives of her husband ; then, extending her hands over her bed, which she had covered with its counterpane and curtains, she said : " I call you all to witness, that, to keep peace with my husband's kinsmen, I have paid them the *achasius*, the price of mundium, and that I restore to them the conjugal bed, with the footstool to ascend it, the covering to decorate it, and even the seats which I brought from my father's house."

After this ceremony they descended into the street ; on one side were the betrothed couple ; on the other, the nearest kinsman of the deceased husband, bearing in his hands a sword and a chlamys ; in the middle was the lawyer : " Approach !" said the latter : " Thou, Reparius " (such being the title of the kinsman), " dost thou promise to give up thy ward, whom thou dost guide and protect ? Dost thou promise to give her to this man of Frankish race here present ?"—" I promise."—" Then deliver her to him with thy right of guidance and protection, the sword and the garments of war. —And thou, man of the Frankish race, who hast received this sword and these garments, receive at the same time, under the marital mundium, Sempronia, with her household goods, her real estate, and all that she possesses."*

Under the feudal system there existed an additional oppression. Who sanctioned the marriage of a young girl, vassal of a royal fief ? Her father. True ; but before her father ? Her lord. Yes ; but before her lord ? The king.—Three consents before the woman could give her own consent ! Thus, in the time of Saint Louis, when such a vassal to a royal fief was sought in marriage, it was necessary that her father should

* We borrow this interesting passage from Laboulaye, *Histoire de la Succession des Femmes*.

go and ask his lord's permission to marry her; the lord required the king's permission to permit it; and it was only after all these successive permissions that at last she was consulted whom the contract was to bind for life. Sometimes, indeed, this remnant of participation in her fate was denied her, and an unparalleled law ran thus: "A lord may constrain his female vassal to marry the man whom he shall select, after she is twelve years old."* A tender child of twelve! What curses so overwhelming as that numeral?

There remained, however, still another servitude for the poor girl—a fate yet more terrible. This was the law of *marquette*, "the right of the lord." In vain do the defenders of the past deny this privilege as a fable, or explain it as a mere symbol. The grave Du Cange and Boëtius have established it as a fact—in their account of certain taxes, which it is enough to quote, without translating.†

Besides, it was but a necessary consequence of the whole feudal system, that vassalage of the person. Young men paid with their bodies in going to the wars, young women with theirs in going to the altar; and many lords thought it no worse to levy a tithe upon the beauty of young brides, than to demand half the wool from each flock of sheep. Their vassals were their chattels.

Nothing proves this more clearly than the curious restriction which pertained to the law of marriage. A lord could not compel his vassal to marry when she was sixty years old, because such a person, owing bodily service, was exempt from duty when she was so far gone (I preserve the text of the law in its characteristic crudity) as to be *half rotten*.‡

Thus did Romans, Greeks, Barbarians, and Feudalists, understand the right of a woman to her own person, and her consent to her own marriage. Happily, from the midst of this

* Littleton.

† By this horrible law, according to Boëtius and Du Cange, the *first embrace* of the vassal bride, and the first occupation of her nuptial couch, belonged to the lord of the soil.—*Ed.*

‡ Laboulaye, *Histoire de la Succession des Femmes*.

series of centuries and nations of oppressors of the helpless girl there arose one charming instance of liberty and human dignity; this example, which we are proud to record, Gaul affords us:

In Liguria, when several suitors at the same time demanded the hand of a maiden, her parents called them together to banquet in the hall. At the conclusion of the feast the young girl made her appearance at the threshold, bearing in her hand a vessel filled with some sweet beverage—while all waited in silence. Then advancing a step, and looking round the company, she approached the youth whom she preferred, and filled a cup for him. That was all; she had chosen, and they were espoused.

Such is the picture of the past; what is the story of the present? Does our law imitate the ancient and barbarous law, or does it restore the custom of our fathers, the Gauls? Do the maidens of to-day marry themselves, or does some one else dispose of them in marriage?

If we consider only externals, the question is scarcely admissible; neither the priest at the altar, nor the magistrate on the bench, can consecrate the union until she has said, "I consent;" and a *no* from her lips would annul all the preliminaries. Law, then, has done all that it can do. But can we say as much for Custom? To be sure of that, we must look deeper than mere outward appearances; such appearances, in fact, are almost always only half a truth. Behind the pronounced consent of the bride, behind her verbal *yes*, there may possibly be concealed a *no* of the heart. Let us then draw aside the veil which so often hides from us the harsh facts; let us descend into the soul, and ask whether the realities of marriage are in accordance with the legitimate right the maiden should possess over herself.

What is marriage at present? A union of two persons, who form an alliance in order to perfect themselves through love.

This definition presupposes the concurrence of two wills; first, that of the maiden; and then, as the illusions of youth and of passion might avail to turn her aside from the real

object of the conjugal union, it establishes above hers another power, relative but sacred ; limited to the right of enlightening and watching over her, but strong with all the authority which reason and affection bestow ; this is the power of the parents.

These two powers are exercised by opposite means and in opposite directions.

One, the maiden's, considers only the present ; the other, the future. Sympathy and instinctive repulsion are the impelling forces of the first ; vigilance, distrust, criticism, are the duties of the second.

The former is solicitous for the very heart of marriage—the union of souls. The latter concerns itself with circumstances accessory but important : fortune, birth, family, position. In other words, the daughter chooses, the parents consent ; or rather, the daughter chooses, the parents help her to choose.

Their purpose thus clearly defined, what is the duty of parents ? In the first place, to exclude from their house every man whose character renders him unworthy of their child ; and next, to gather around her, if they can, men of different stations in life, but equal by that love of labor which sustains life, and by that probity which makes life good. Then leave her free in her choice, let her go whithersoever her heart may lead her. We do not sufficiently consider to what degree freedom is an educating sentiment, and a fosterer of prudence ; restraint exalts our confidence in our own strength ; but when a young and upright man feels himself committed to the charge of himself, that very responsibility fills him with a salutary apprehension, and in the silence of all other voices, he questions, he listens, he judges the inner voice, and so, this voice once heard, the first movement of the maiden will surely be to run to those who have always guided her, and say to them : My soul has spoken, and I believe it ; but speak you in your turn ; enlighten me, let us enlighten each other. Thus each will forget *self*, and think only for the other. The parents will

bring to the conference the wise precepts of their experience, the daughter the light that love affords, and from the sympathetic alliance of the three souls in harmonious accord of confidence and prudence, of love and fear, of instinct and reflection, there will proceed, we say, a conclusion—contingent, of course, like all human conclusions, but which must, nevertheless, procure the favor of Heaven; for it has for its foundation a love of goodness and sincerity of heart.

Sceptics will reply to us that this is all but a dream, and will expect to overwhelm us with the word Impossible. So much the more reason for striving. Man attains to performance only by aspiring towards the impossible; and the ideal is a vision set before us by Providence that we may for ever pursue it, though we never attain it, and that the pursuit of perfection may lead us into the boundless field of perfectibility.

But let us confess, the world presents a spectacle very different from this picture. *I marry my daughter*, are the words of almost all parents; and the phrase tells the story. Arguing always by the youth of the betrothed, as though her youth were not the very first fault to reform itself, they too often substitute their own taste, or the gratification of their vanity, for the interests of their children. A young girl of noble birth may marry only a title, a rich girl only a million. All classes are egotistically centred in themselves, nor permit sympathy to lead them beyond their narrow circle; and even within that circle they insist upon the choice which will best satisfy their own mean passions. A maiden laments on the bosom of her mother her distaste for her betrothed. "I acknowledge it," replies the mother, "you are right; but in this alliance everything *except himself* is so very desirable." So the mother insists, and the daughter is married, and it is proved that she consented because she said yes. One senseless maxim serves for the excuse. "A man," they say, "is always well enough." For strangers that may be so; but for his wife, never. A judicious mother broke off the marriage engagement of her daughter for a reason which to many may

appear very frivolous, but which to me seems conclusive. Her daughter appeared sad and abstracted: "What ails you?" "I do not know." "Have you discovered some fault in your betrothed?" "No." "Is his character offensive to you?" "No." "What is it, then?" "Well, on our betrothal day, when he approached to kiss me, I felt" "Repugnance?" "Yes." "You shall not marry him then." And she was right. The *ardor* of a person who is displeasing may transform marriage, so far as the wife is concerned, into a veritable torture; every time his face approaches hers, her whole person trembles with repugnance. Woman, more exquisitely sensitive than man, is irritated by such a husband's privilege, as a profanation of love. That which in man would be but a passing dislike, inspires her with a feeling of loathing, horror mingled with an indescribable scorn for herself, which exasperates her, even to hate; and sometimes carries her hatred even unto crime!

Woe then to the parents who employ their absolute moral ascendancy to impose upon their daughter a husband who is disagreeable to her; upon themselves recoil the consequences of her faults. On this fundamental question of repulsion or sympathy the maiden is the supreme judge, from whom there should be no appeal. Between a young man and a young woman we perceive a thousand exterior congruities of fortune, age, education; and we ask with surprise why she does not love him. Because she does not love him; because there is wanting between them that affinity which does not belong to the senses, which flows from soul to soul, and primarily constitutes the link between them; on the contrary, another, less beautiful, less youthful perhaps, possesses the mysterious advantage, and has her young heart at the first glance. A woman loved a man, dwarfish and hunchbacked; one of her female friends expressed her astonishment: she replied, "Has he ever told you he loved *you*?" "No." "Then you cannot judge me." The expression is profound. In fact there is a kind of man who is known only to the woman he loves, or rather he is not quite himself

save when he is near her, and the attraction which unites them is so much the more potent, because, hidden from all eyes and welling up from the deepest fountains of the heart, it exists only for the two who feel it; she sees in him her creature, he adores in her his creator.

Again, the rights of the daughter, and the paternal dignity itself, require the abolition of an immoral and cruel law: the Respectful Protest.

Respectful! what more lying abuse of language? An action fatal to filial respect, respectful! A public declaration to a father that his commands are spurned, respectful! Such a law could only be devised by a man without family. The august influence of parents, the freedom of children, public morals, good sense, all condemn it with equal energy. Children who have attained majority, are either capable of choosing for themselves, or they are not; if they are not, then insist upon the consent of the parents; if they are, grant them possession of themselves, and put an end to this iniquitous proceeding, which in reality oppresses only the daughters. For indeed if a son makes the Respectful Protest, he incurs only the little world's slight disapprobation, slight and soon withdrawn; but if a daughter follows his example, the world says she dishonors herself; decency and filial affection seem equally outraged by her transport of passion, which exposes itself to the common gaze. Enfranchised by the law, the girl is again shackled by custom. She may say no, but she must not say yes. Is this liberty? Is this justice? As between the maiden who, having attained her majority, has chosen for herself, and her parents, who disapprove her choice, must the blame always attach to the daughter? On the contrary, does not the parental motive for opposing her, instead of proceeding from a meritorious even though mistaken solicitude, often originate in ambitious projects, and selfish calculations? Is not honor as well as love sometimes to be found on the side of the betrothed? Why then expose her in her innocence to the cruel alternative of either publicly insulting those whom she reveres,

or of sacrificing her own happiness, perhaps a sacred promise, to their unjust exactions? In such circumstances the parents should be required to summon a family council, before which the daughter, having attained her majority, should appear, in order that both parties might explain before their friends, she the reasons for her choice, they the motives for their refusal; and if the general vote should decide for her, she should be excused from the *respectful protest*. Thus the law would not impose an act of outrage upon fathers, nor thrust upon children the crime of parental disloyalty.

The duties and rights of the daughter on this delicate point are charmingly expressed in a story taken from one of the celebrated Hindoo epics; the poem may here serve to point a moral:

In the kingdom of Nishadda* there reigned a youth named Nala, a lion among men. In a neighboring kingdom, under the eyes of her father, modestly grew up, in the midst of a hundred young companions, the beautiful Damayanti; and she sparkled among this charming retinue (to use the words of the poet) like lightnings in a cloudless sky. Damayanti did not belong to the priestly caste; a daughter of kings, she came of that warlike and heroic race which the Brahmins and the laws of Menu have utterly annihilated, and among whom one of the most sacred usages accorded to the maiden the right to choose her husband. The companions of Damayanti praised without ceasing the beauty of Nala, and Nala was for ever hearing from the lips of his companions the name of Damayanti. His heart was touched, and she loved him; one day when, wandering into the depths of the forest, he was pursuing a flock of wild swans, one of those silver-plumaged birds addressed him in these words, "Prince, spare me, and I will sing thy praises to Damayanti, that she may love none but thee." The prince did spare him; and the bird flew, and presently alighted with his brethren in the midst of the com-

* Extract from the *Mahabharata*; see the *Catholique* of Baron D'Eckstein.

pany of young maidens. He enticed Damayanti to follow him, and when she was alone, "Damayanti," said he, "listen to me. There is a prince named Nala, like unto the twin-gods, and of incomparable beauty. Oh, woman of the graceful form, I have seen gods, demi-gods, and men, but I have seen none like unto him who loveth thee. Thou art the pearl of women, he is the crown of men; thy marriage with this noble mortal would be as charming as thyself." Thus was knitted between two young hearts, by the mediation of a celestial messenger, the first bond of love. Damayanti became pensive, dreamy; her father perceived it, and in order to discover or decide the choice of his daughter he summoned to his court from the neighboring kingdom all the princes who were famed for their valor or their beauty. Nala was among the number. Damayanti trembled at the sight of him, and appointed, at the expiration of three days, the solemn occasion when she should descend from her throne, according to the prerogatives of her caste, to place her hand in the hand of him whom she loved. The day came.

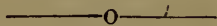
But a strange circumstance occurred to overthrow the hopes of the two lovers. Four demi-gods, enamored of Damayanti, assumed the features and the form of Nala, and entered the hall with him; with brows crowned like his own, they seemed five celestial brothers. Presently Damayanti appeared, and cast an eager glance upon the suitors. Heavens! five Nalas are before her, the same in costume, same in feature, same in tender expression. She recognises the faculty of gods, and bows her head. But how to distinguish him of her love among the divine rivals who counterfeited him? By a sudden inspiration, joining her hands, and at the same moment bursting into sobs, prayers, and commanding language, "Seeing," she cried, "that in thought or action I am not to blame, by virtue of my innocence I implore the guardians of the universe to resume their celestial forms, that I may recognise my sovereign among men!" The charm is broken; serene and luminous, without dust on their feet, without sweat on

their brows, but crowned with blooming flowers, shine in all eyes the four princely inhabitants of Indra. But how is the young Nala transformed! His crown is withered, his feet are covered with dust, his face is bathed in sweat, and his body, almost bent, is the *only one which casts a shadow!*

At this spectacle Damayanti descends from her throne; she seizes the border of her lover's mantle to make for herself a veil; she uncrowns her own head to set the fresh garland on the weary head of the youth; then taking him by the hand, says to him, "I am thy wife!"

Truly exquisite is this story, and its lessons are more than its beauties. The father assembling around his child those from whom she may choose; the mantle under which Damayanti hid herself, as though signifying to Nala, I would live always sheltered by thee; the fresh garland that she places on his head—a touching symbol of the consolations the wife brings to her husband, and especially of the mute acceptance of sorrows to be shared; and the dusty paths: all these delicate features recall in a thousand forms the one word that comprehends them all—love. And all declare that every bride should be free to say to her beloved, "I better love the earth with thee than Heaven with the gods." Of what account to the young Hindoo maiden were the brows, for ever spotless, of the divine princes, and their imperishable beauty? That which attracted her was the human being, the face stained with sweat, the *body which casts a shadow!* For there, only there, is her mission; to heal, to console, to love. Away then, with those senseless theories which advise reason alone as the basis of the nuptial union; it is recommending adultery. The man who brings to marriage a soul cooled and satiated, may content himself by intercourse with the peaceful goddess of reason; but the maiden has not yet loved; she must love, she ought to love. Love is the legitimate foundation of all human associations; country, family, society, humanity are complete organizations only when to be citizens, to be parents, to be men, signifies to be loved; how then shall an eternal compact

be established between two souls on any other foundation than that of love? And by love we do not understand that affection, cold and sexless, which is made up of a mixture of esteem, gratitude, consideration, and a thousand other inferior sentiments; we mean love! Let it be sincere, dignified, substantial; but let it be itself! That alone can sustain woman on the long road of duties and sorrows; that alone, a sublime preceptor, teaches the power which knows how to suffer, and the power which knows how to aid. Besides, there is no other possible arbiter of this sentiment except him or her who experiences it. To set it as the foundation-stone of marriage, is to proclaim the principle which has served us for a guide in this delicate matter of consent. The parents aid the daughter to choose, but the maiden chooses.



CHAPTER VII.

HISTORY OF DOWRY AND JOINTURE, BETROTHMENT, MARRIAGE.

BETWEEN consent and marriage are two important matters—the settlements of dowry and jointure: betrothment. Here history affords us a lesson.

When the study of past ages brings under our eyes some odious tyranny, indignation at first takes possession of our souls so forcibly that we are only capable of cursing; we find under our pens and in our hearts only words of hatred, and almost forget the victim in execrating the executioner. But what avails, for the cause of humanity, the indignation of the writer, if his fruitless anger satisfies only himself? Doubtless it is in order to hate it that one studies despotism, but it is also to divine its secret, to trace its progress and its downfall; it behoves us to be occupied with the oppressed rather than

with the oppressor, to discover how the victims of yesterday broke their chains, that we may say to the victims of to-day, See how you may break yours! Maledictions are only the blind transports which provoke him who suffers, by presenting to him humanity in the light of an eternal doom of suffering. Show him, then, not how humanity surrenders, but how it frees itself; show him Providence coming to the rescue of all kinds of slaves, at the very moment when their cause seemed most forlorn; show him the slaves transforming, by their skill or courage, the instruments of bondage into weapons for freedom, forging arms out of their chains; thus will you comfort them, help them, instruct them, and you will be the true historian. Never, for example, was law more infamous than the *marquette*; human language affords not words strong enough to stigmatize it; its monstrosity so thrilled all hearts, that almost from the outset it had to be changed to a pecuniary tribute.* What resulted from that? That the partial change from a tax of the person to a tax of money was soon carried from this prerogative into all others, undermining the very foundation of the feudal system. The person of the female vassal, freed from this particular obligation, soon became free as to the rest. In all cases money was substituted for the individual, and the feudal system was overthrown, which from the first had rested especially upon personal vassalage. The young girl had paid for being married, had paid for remaining a maid, had paid for the right of choosing a husband, had paid to inherit property, had paid to be released from servitude; afterwards the sum was discussed, and then the fine itself; the pecuniary payment was changed in its turn into a form of simple homage; so that all these bonds soon became of no more moment than they are to-day—a harmless appending of the royal signature to the marriage contracts of great lords.

* "When the guests have retired," says Grimm, "the newly wedded husband shall permit his Lord to enter the bed of his wife, *unless he shall have ransomed her for five shillings and four pence.*" This right of redemption became a common right; a yoke of cattle, a measure of wheat, was substituted.

The history of Dowry and Jointure affords an example still more remarkable, of liberty springing from the very depths of servitude.

There was another law even more odious than the marquette—the father's right to the price of *mundium*; in other words, the price of his daughter.*

Nothing, it appears to me, more powerfully proclaims the daughter a slave and marriage a market; it is the measure of a people's barbarism. The Hindoo law says, "The father should not even receive a present from his daughter's lover,† lest it should seem as though he sold her." The expression is not too strong. To receive a price for his child, to exact payment for the care he had bestowed upon her, to endow another man with full power over her as over a chattel, to be personally interested, for his own profit in her, in transferring her, not to the best man, but to the richest, is a mercenary arrangement which outrages all the best feelings of the heart; it even takes from the parental abode the enchantment of the maiden's presence, for she is then no longer as one reared to be loved, but as a product to be exploited. Yes, the emancipation of the daughter was so entirely a human right, and a design of God, that this tax of the *mundium* became one of the first instruments of woman's independence. Admirable transformation of evil into good! To produce it Providence turns against us, or rather to our profit, our very vices. Here was a barbarous custom transformed into a benefit; and so grafted,

* We have seen in Halgerda, that the father received this price. We repeat, that the *mundium* represented the power of the father over his children, and that in marrying his daughter he transferred this power to the husband, for a consideration.

† "No man who understands the law will receive the least gratuity in marrying his daughter; for the father who receives such a present is to be regarded as one who sells his child."—*Laws of Menu*, book iii. 51. "Some learned men decide that the present of a cow and of an ox, made by the suitor, is a simple gratuity bestowed upon the father; it is a crime. Any gratuity, trifling or considerable, received by the father, constitutes sale."—*Laws of Menu*, b. v. 53.

as it were, the wild tree nourished with its fruits and protected with its shade the sons of those whom its thorns had lacerated, and its bitter berries poisoned—and so with the mundium. Originally the price belonged to him who had control over the maiden, to the father or the brother. Providence does not abolish the custom, but modifies it. The mundium is respected, its price always punctually paid by the husband; only, instead of *paying* it to the father, he *gives* it—to whom? to the daughter; by this circumstance all is redeemed—no buyers, no slaves; but instead, a youthful bride receiving from the hand, not of a master, but of a husband, a token of thanks. The innovation assumes, among barbarous nations, the most affectionate, most grateful forms. Every step of the bride from her childhood's home is greeted with homage, every flower she plucks from her virgin coronal blooms again, in a gift full of tenderness and grace.

First, the *morgenghabe*, or matin gift, proffered to the young wife at the moment of awaking—the price and proof of her virginity. If the husband died, and the heirs contested the morgenghabe with the widow, it was sufficient for her to swear, *per pectus suum*, by her bosom, that her husband had allowed her such a sum for her matin gift; and immediately the amount was confirmed to her. This body accepted as a witness as to what concerned its own surrender, and this absolute control, granted to the wife, over her gift of love—are they not singular in their grandeur and their grace? Next come the *oscle* (*osculum*), a gift awarded to the maiden for the first kiss she allowed her betrothed to take. We find evidence of this custom in the Spanish laws: Donna Elvira was betrothed to a Cavalier, who made her presents of wearing apparel, jewels, and a saddled mule; but the marriage not taking place, the Cavalier demanded the return of his gifts. For this a suit was tried before the Adelantado of Castile, who decided that if the lady had embraced the gentleman, she could retain the presents. The lady preferred to return them.

Such was the origin of jointure among the Germanic nations and in the feudal period. Obligatory, and fixed at a certain sum, as we shall shortly see, the jointure became for the wife an actual part in the succession, a bond of inheritance between her and her husband.

Let us now come to the dowry. Originally a father did not endow his daughter, in any nation; almost everywhere, he received a price for her. Jacob purchased from Laban, by many years of labor, the right to wed Rachel.* Vulcan declared that he would reclaim the sum he had given to the father of Venus.† Nothing could be more simple; the daughter was then an article of property, which the father transferred to the husband; but when civilization, in the process of developing, had bestowed upon woman a kind of personality and individual rights, when marriage no longer delivered her over to the mercy of the husband, we find the latter demanding a sum sufficient to indemnify him for his expenses: hence the Dowry. I discover no traces of it in the Bible, but the early times of Greece abound with evidences of the institution. Penelope received a dowry from her father Icarus.‡ The laws of Athens and Sparta established the custom, and it must have given rise to some excesses, since Solon decreed that a woman should not bring by dowry to her husband more than three gowns and certain articles of furniture of small value.§

But in spite of this law, the dowry of the young Athenian maiden was settled immediately before her marriage, by a public document.¶ It was secured by a mortgage upon the goods of the husband, and at the dissolution of the marriage reverted to the wife.¶ In Rome, at first, a father, in mar-

* Genesis, xxix.

† Odyssey, viii., verse 319.

‡ Odyssey, ii.; Telemachus said: If my father is dead, there is much to be repaid to Icarus, father of my mother.

§ Plutarch, *Life of Solon*.

¶ Isæus, *Succession of Pyrrhus*.

¶ *Revue de Legislation*, Organization of the Athenian Family, October, 1845.

rying his daughter, did not receive dowry, but neither did he give any. Little by little, the edicts of the prætors established the custom, and made it a condition of lawful marriage.* It was a great step; but it was only the first. The dowry at first belonged entirely to the husband; he might sell it, he might give it away, and his right of ownership was even so absolute that he could bring an action against the woman if she carried off any articles comprised in it.† But the consequences that attended the principle of dotation made the wife the owner, and the husband, being compelled to restore the dowry in case of divorce, was no longer more than usufructuary.‡

What ameliorations has our French code added to these two statutes? As to the dowry, it has in a marvellous manner provided for the use, preservation, and restitution of it; the most jealous solicitude for the interests of the wife could not go further than its foresight in that respect. But why has it not borrowed from the Roman prætor the beautiful law which obliged every wealthy father to portion his daughters? To withhold a dowry is, for the young girl, at once a detriment, and a condemnation to celibacy. Parents, by that means, hold their daughters at their mercy, for there is no lucrative profession for woman; her talents are but channels of expense; she only consumes, she produces nothing; she must have a dowry, that she may be married; and her father owes it to her by the same title that gives her a share of the inheritance.

As to the jointure, our legislation has abolished the obligation; this is wrong in a country where the right of succession, as pertaining to married couples between themselves, is not recognised. Let man and wife inherit legally, one from the

* Plautus: "Me germanam sororem meam in nuptias dare tibi sic sine dote dedisse, magis quam in matrimonium."

† "Ob res amotas, vel dotales, vindicatio et condictio viro competit."—Laboulaye, *Roman Law*, b. ii. ch. 2.

‡ Laboulaye, *ibid.*

other; or let the jointure be obligatory; otherwise, the wife is no better than a stranger to her husband.

Betrothment is presented in history under two different aspects:

In one it represented a contract; in the other, the commencement of a conjugal life.

As a contract, it was at first a kind of commercial transaction between the father and the proposed son-in-law—promise of purchase from the one, promise of sale from the other, with earnest-moneys deposited; forfeiture of the earnest-moneys punished the contracting party who should fail to keep his word, and indemnified the other.

This was for a long time the spirit of ancient legislation. When the maiden became more directly a party in the betrothal the earnest-moneys changed their destination; the girl made the contract: the earnest-moneys belonged to her.

Among the Germanic nations, and in the Middle Ages, betrothment was elevated a degree in character; it became a moral contract, an engagement of honor, and might be concluded either by word, by writing, or by message.* The three modes were thus expressed: "I accept thee, and give myself to thee in betrothal." Earnest-moneys deposited in the hands of a third party, and a ring placed on the finger of the maiden, sealed the union; but the object of these earnest-moneys was less to indemnify the deserted party than to punish the faithless. There was, above the personal injury to be repaired, a perjury to punish, and public morality to justify. Hence a succession of severe penalties: the solemnity of the engagement was such that only a permanent infirmity, such as the loss of a limb, or a mortal disease, like leprosy, or a public disgrace, such as the prostitution of the girl, or desertion for a longer period than three years, sufficed to break it. Without these legitimate causes for rupture any violation of the sacred vow was rigorously punished: everywhere at first with loss of the earnest-money; among

* Summa Hostiensis, b. iv., *De Sponsalibus*.

some barbarous tribes, with a heavy fine; among others, with compulsion to fulfil the promise; among the Burgundians, with death. A free widow was betrothed to Fredegisill; the presents had been given, when suddenly, with no better motive than caprice, Fredegisill broke his promise, and betrothed himself anew, to Balthamodus. "Let the guilty parties," said Gondebaud (*capitis amissione plectantur*), "be punished by the loss of their heads."

The Church, prolonging the obligations of betrothment, even after its dissolution, established between the betrothed parties a sort of kindred bond, for ever ineffaceable, like natural relationship. To espouse the brother or the father of him or her to whom one had been betrothed was to commit incest; the couples so united were excommunicated, their children pronounced illegitimate.* And we must acknowledge that unreasonable as the penalties may appear, there is in this sacredness of the promise, a veritable solemnity, which touches us in spite of ourselves. What is more desirable to maintain in the soul than self-respect and integrity of word? What more eloquent lesson of respect for women? What more salutary protection than fidelity to the vows of a most earnest and indissoluble contract? Truly then is woman a sacred being, marriage a sacred bond. But our laws have dishonored these traditions: no regard now for the honor of men, no respect for the dignity of women; pledges betrayed, promises violated and trodden under foot, impunity for everything. A promise of marriage, though written and signed, is but a scrap of paper, at which one laughs as he signs it—a mere bait for speculation. Worse than that! A man may be introduced into a family, may woo and win the hand of a lady, may flourish himself in the eyes of all with the title and privileges of one "engaged," may induce her to grant him, in all the freedom of familiar intercourse, those chaste testimonials of affection which are as sacred as the first yielding of her person; and then, when the day has come, when the

* Summa Hostiensis, b. iv, p. 285, 286.

very altar is prepared, he commits, without better reason than his own caprice, the mortal outrage of rejecting her, and so disgracing her in the eyes of the whole world. And this he can do without a stigma on his honor, or punishment for his cruelty. Nor is such a man forbidden to lead another bride to the same altar a week afterwards: Certainly, freedom of consent remains, even to the latest moment. No doubt it is as opposed to wise foresight as to freedom to regard a promise of marriage as marriage itself; arbitrarily to unite a man and woman is in many cases but to insist on the dishonor of the one and the misery of the other. But sworn faith has its rights also, and honor should have its safeguards. A sudden rupture often brands a kind of shame on the brow of the woman, and the world invariably looks for some secret fault by which to explain it. If the man desires to break off, without cause, the union so begun, why let him break it; but a grave punishment should wait on his violation of an oath, and the law should not express its respect for individual independence by granting absolution for perjury.

Betrothment is the prelude to conjugal life, and by that title plays a notable part in the morality of marriage. The interval which elapses between the promise of marriage and marriage itself, affords the pair ample time to understand each other, and purifies in advance their mutual possession by love. Free though bound, they study each other, in partaking together of the chaste sweets of a growing affection; and the union towards which they approach, hand in hand, appears no longer a merely material one, but a supreme consecration of blended souls. Spain, England, and especially Germany, have preserved to betrothment its poetic and moral character. The betrothal constitutes, on the other side of the Rhine, a genuine epoch in life. As soon as a promise has been exchanged between two young persons, the lover becomes a son, in the household of his future father-in-law; to converse with his fiancée, to write to her, even to stroll with her,

are privileges attached only to his title, for that title signifies a sacred engagement. Often, the young man, being as yet without a settled profession, or perhaps too poor to consummate his marriage, sets out for foreign countries, seeking his fortune; he departs with the ring on his finger and love in his heart; and his beloved waits at home, it may be many years, unforgetful and unforgotten. Sometimes the prosecution of his studies or his apprenticeship detains the youth in a neighboring city, and Sunday is the only day that belongs to him, or rather to them. Then see him coming in the early dawn! see her already on the road half way! and all the way what questions, what plans, what animating interchange of darling hopes, noble desires, aspirations towards the beautiful, the good! Prolong, prolong thy waiting time, my ardent young friend; thou wilt never be happier or better; even the possession of thy beloved will not be more precious to thee than these chaste hours. Love is like the year; its most beautiful season is spring. True, all is yet but promises and blossoms; but those impalpable perfumes will nourish thee more deliciously than the most savory fruits; and even in the midst of summer's rich clusters, in the bosom of autumn's abundant harvests, thy thought will ever wander back with mingled joy and regret, to those dewy April mornings, when the birds sang among the branches less sweetly than love in thy heart.

Doubtless such customs are not without their perils, and in nothing should paternal authority be more careful in its choice, more strict in its vigilance; but it is only by such preludes of betrothal that marriage can be regenerated.

What then can we say of our customs? There are no more betrothals—only agreements; no more lovers—only future husbands. Scarcely is the engagement formed before it is hurried to a conclusion, as if all parties were possessed of but one fear—that of being found out! In their restless impatience, which resembles a consciousness of some wickedness concealed, they hasten to abridge still further the brief interval

that law and the church have established between engagement and marriage. Three weeks to study each other appears too much time to spare to these two strangers, who are to be always together. By dint of money the three weeks are reduced to a fortnight, the fortnight to ten days; and even during these ten days the hours of intercourse are stinted to the pair. Jealous care is observed that they shall never speak to each other, save in the presence of a witness. What if they should quarrel! What if the marriage should thus be broken off!—for all the fears of their relations are directed to that. Whether or not the marriage will be a happy one for the maiden, is not the question; she must be married. As for the young man, the part assigned to him is generally restricted to a few formal visits, which he heartily curses (for they combine an absurdity with a bore), and the daily tendering of bouquets, all ordered at once, and infallibly stopped the day after the wedding; then the hours that remain he employs in setting in order his life and his drawers, sending away his mistress, burning his indiscreet letters, and, reconciled to being no longer a lover, in preparing himself for his new character of husband.

The forms of marriage correspond to these preliminaries; elsewhere, in all nations, religion and law have solemnized the occasion by poetic and profoundly touching ceremonies. Everybody knows the beautiful nuptial chant, *Spargete nuges*, and the thousand charming aspects of the Roman bride, whose hair was parted with a javelin,* in memory of the Sabine conquest, and who was lifted up from the arms of her mother that she might pass the door-sill of her husband without touching it with her feet. The Indian lawgiver, in his glowing language, styles the union of a young man and maiden who love, the marriage of heavenly musicians.† In rude Lacedemonia, where everything had to be conquered, the young man forcibly carried off his betrothed—as Amyot tells: “No puny stripling, scarcely old enough to be married; but a large and

* Plutarch, *Roman Questions*.

† Menu, b. iii.

vigorous girl, already ripe for child-bearing. No sooner had she arrived at the house of her husband than their mutual friend, the match-maker, entered at once, and approaching her while she was yet a virgin, shaved off her hair to the very scalp, clad her in masculine garments, even to the feet, and put her to bed on a straw couch, without a light! ”*

How rude, but how impressive! what an effective picture of the life upon which the woman was about to enter! What a symbol of fellowship with her husband, that male garment in which she was clad! Here we find again the admirable *idem passuram et ausuram* of the Germans, of which Tacitus tells.

“For a time the wife remained alone; then the young husband, being neither intoxicated nor more finely dressed than usual, but having partaken of his ordinary frugal supper, entered privately into his house, and unclasping the girdle of the bride, lay down by her side; he remained there an hour, after which he returned to sleep with his companions; and for many weeks, even months, he could only visit his wife by stealth and secretly—in which she assisted him; modesty and reserve, in the opinion of Lycurgus, were the true guardians of love.”

Such was the Spartan law; and this austerity in affection, this mystery in the solemn moment, pleases me a thousand times more than the revolting preparations of our own nuptial ceremony. Is there a spectacle more barbarous than what we call a wedding? Is it not a kind of pillory and public exposure? There stands the bride, in the midst of twenty men, who scrutinize her curiously, watching her smile, interpreting her silence, slandering her purity with their insinuations, or mocking it with their jokes; then night comes, and in the full gaze of all these gapers, who follow her with their eyes, she enters the nuptial chamber, while they remain in an adjoining apartment, present in thought at every sacred occurrence of the hour. Then her mother leaves her, and the maiden to whom

* Plutarch, *Life of Lycurgus*.

perhaps scarcely a word of love has been spoken, whose hand her betrothed had not touched a week before, finds herself given up to a man whose brutal violence may overthrow in a second the happiness of their whole lives. What impression, indeed, may not be produced on the mind of a trembling, delicate, nervous girl by such a coarse assault? What image of love engraven there? There are those whom this fierce taking possession has filled with such horror, that they are left smitten with incurable pangs; there are those whom the recollection of it for ever estranges from their husbands, thus become objects of disgust to them. Is it in this way that the man who in society would make an agreeable impression upon a young woman, approaches her? Is it under such forms that he will present love to her? How shall she resist, when instead of an assault, nocturnal and soldier-like, she encounters looks full of respect, listens to whispered words of supplication, witnesses transports of joy, or tears of gratitude, for the gift of a flower or the pressure of a hand? Then astonished, infatuated, overcome even by the surprise, she finds herself without defence against the very emotions she had reviled. The husband has prepared a triumph for the lover.

We have now arrived at the limit of Maidenhood, and already begin to have a glimpse of the Wife; but before following that apparition, let us cast a retrospective glance over the route we have been travelling. Birth, Inheritance, Education, Seduction, the Marriageable Age, Consent, Jointure, Dowry, Betrothal, Marriage,—these ten subjects, which comprise the most important phases of a young girl's life, have served as texts for our researches into the past and the present. What have we everywhere found? Unfair treatment for the girl. But, by way of atonement, what have we proved? A progress towards Equality—that is to say, at once the evil and the reform, an advance made and an advance still making, the necessity of so advancing acknowledged by universal consent. Let us push on then, with a guard upon our conscience, and an eye upon the Past.

BOOK II.—IN LOVE.

BETWEEN the maiden and the wife, or rather, side by side with the two, and by turns confounded with them or separated from them, arises a character full of ideality and interest. Freer than the one, more engaged than the other; belonging with the maiden, because, like her, it does not wear the yoke of a strange name; resembling the wife, because its life is already blended with a life other than its own: it represents to us the union of man and woman in that which is most *inner* to it, and yet most general—or in other words, independent of all civil conventions, legislative enactments, fortune, household, and children; this character is the Girl in Love.

Sole depository of pure affection, she alone can manifest to us the divine end of the conjugal relation, apart from its secondary office of reproduction.

How, indeed, should marriage be defined? A relation which has for its object only the perpetuation of our species? No; that is common to animals of every kind, and men cannot accept it as the final purpose of Providence. Marriage, according to the beautiful expression of Modestin, is *juris humani et divini communicatio*—an association for the pursuit of human and divine affairs.

Now, this association necessarily supposes the influence of woman over man, as that of man over woman, and that influ-

ence implies, in its turn, a sentiment which produces it, and impresses on it a peculiar character; this sentiment is love.

Before entering upon the history of the wife and of marriage, let us ask ourselves, What is love? What is this *lover*—that is to say, what is this Woman? An angel? a demon? our guide to good? our prompter to evil? or a mere object of pleasure?

These delicate mysteries can be solved only by the history of the enamored girl. To seek for the different characters with which different civilizations have invested this ideal personage, to note with what physiognomy she has been gradually delineated in the conscience of humanity, what part has been assigned her by the poet and the philosopher, the two torch-bearers of civilization—to do this will be almost to have sketched already the figure of the Wife. But let us begin the difficult task:

Socrates, who caught glimpses of everything that he did not clearly define, uttered one day, says Xenophon, these beautiful words:

“There are two Venuses; one celestial, who is called Urania; the other terrestrial and populating (πᾶνδημος), by name Polyhymnia. Urania presides over all pure and spiritual affections; Polyhymnia excites all sensual and gross desires.”

These words bring us to the heart of the matter, and show the character of the woman in love, who partakes by turns of two different natures. The two Venuses are the soul and the body of the woman, the angel and the demon—Love, the Benefactor and the Tempter; and the eternal struggle of these two divinities in the world constitutes the History of Woman, represented now by Urania, and now by Polyhymnia, by the *inamorata* or the *mistress*.

Every reader must remember the beautiful hymn that fell from the lips of Plato in honor of Venus Urania. Therein for the first time was displayed to men, in the words of the disci-

ple of Socrates, that unknown image of love, the educator and the moralist ; for the first time patriotism, virtue, and genius were presented to the world as the glorious offspring of love, and the poet-philosopher so quickened from his own life this new love, that grateful ages have called it by his name. No other man, before or after him, enjoyed the peculiar glory of discovering one of the sentiments of the human soul and of being a father to it. But by a strange contradiction, Plato, after instituting the worship, forgot the priestesses : women were declared unworthy to prostrate themselves before the altar of Platonic love or to render the humblest service there ; to them the lower and grosser pleasures—the temple of Venus Pandemos. Urania had only men for worshippers ; it was only by them and through them that her noble empire was swayed.* Love existed in Greece, but the innamorata had no existence, for the woman could never be more than a mistress.

In Rome the scene changes, but with no promotion in the *role* of woman. The worship of Plato's ideal love had died out and disappeared ; but the worship of woman the lover, had not yet appeared. What is there in common between Urania and Lesbia, Delia, Ariadne, Dido even ; souls voluptuous or passionate, tender or ardent, but never having in their passion other objects than the passion itself, and pursuing with blind impetuosity the selfish gratification of their desires. No care for the greatness of those whom they loved, no desire for their elevation ; their love lacked one element, which is the Platonic virtue itself. Read all the elegiac poets of Rome—Horace, Tibullus, Propertius, Catullus : woman is always in their verse the sensual creature, voluptuous and mercenary, with a heart of marble, a body of fire, a brow insolent, bold, and stupidly proud—the Courtesan. These poems are peopled only with dishonored names and filled with embraces

* In Plutarch's Treatise on Love, and in the Dialogues of Plato, this strange passion is portrayed.

always for sale ; and Tibullus has summed up with sublime energy, in the fourth elegy, the uncouth and fierce transports which were precipitating young Roman souls into that devouring and sickly passion. Repulsed by the courtesan Nemesis, because he has no more money, he cries, " Oh ! not to suffer what I do suffer, I would consent to be no better than a stone upon a frozen mountain, a rock for ever worn by the ruthless waves of ocean ! Bitter the day, the night more bitter still ; all the moments of my life are filled with gall. To what purpose does Apollo inspire me ? Nemesis demands her money, and *her hand is hollowed that it may hold the more*. Leave me then, Muses, since you are unprofitable to my love ; I do not woo you to sing the revolution of the stars ; I seek by my verses easy access to my mistress. Gold ! That is what I wish, what I must now acquire, even by outrage and murder, that I may not be left lying like a beggar before a barred door. I will go, then ; I will snatch the very offerings suspended in the temples of the gods, and I will begin with Venus. Oh ! the power that gave beauty to a rapacious woman has made love an infamous god."*

What a cry of cursing is this cry of love ! what execration like this hymn ! The empire of woman in those days seemed vast and abominable, like the empire of evil. Love was as yet only a fatality : a new religion, a new world was needed that modern nations might feel it, and represent it as a blessing.

Dante is the first to afford us the divine model. Eve the temptress, Nemesis the implacable, disappear ; and in their place we have Beatrice, the woman-angel of salvation, the lover.

Let us pause a moment before his glorious work.

What does the Divine Comedy represent ? A sinner saved by his love, a life of disorder purified by a memory. Dante

* Elegy iv. book 2. Those who are familiar with Latin poetry know that this intermingling of scorn and passion for women is found in all the Elegies.

has scarcely passed his youth, when Beatrice, whom he loved, is taken from him.* For a long time that chaste and tender memory excludes every evil passion from the heart wherein it dwells; but at last a sensual fury seizes Alighieri and precipitates him from disorder to disorder; but mid-way on the road of life (*nel mezzo cammin del vita*), he is seized, like Saint Augustine, with a disgust for his unchaste courses, and before him rises anew—like a gently beaming star—the remembrance of his first love. Beatrice, who has followed him from the highest heavens, who penetrates into his soul, forms the design of saving him. How? (The idea is profound and charming)—by his own genius—by poetry. So, having descended from the upper spheres to the abode of Pagans, she seeks out Virgil: “Ah! beautiful Mantuan spirit,” she says to him,† “my friend is so bewildered on this desert shore that he is as one lost, and I fear I have risen too late from my celestial throne, to fly to his relief. Go thou, and help him, that I may be consoled. Conduct him through all the circles of Hell, that his sinful soul may be purified—first by terror.”

With these words Beatrice departs at once. It would seem that, prompted by affectionate respect, Dante refrained from tarnishing that celestial figure, by mingling it with the guilty multitude; only, when he feels himself fainting away with terror before some terrible retribution, Virgil says to him: *Thou shalt see Beatrice*—and his courage is restored.

From Hell the poet enters the confines of Purgatory. All at once a cloud of flowers, ceaselessly rising and falling, announces the approach of Beatrice. Remorse for his excesses seizes him, and trembling like a child on the bosom of its mother, he turns towards Virgil; but Virgil has disappeared; he is alone—alone with her for the first time in ten years. He does not dare to raise his eyes: Beatrice, with sor-

* See in *La Vita Nuova* this charming story.

† In this brief summary of the *Divine Comedy* we confine ourselves to the very words of Dante, making at once an analysis and a translation.

rowful countenance, and in an attitude royally grave, lets fall from her lips, after a brief interval of silence, these bitter and ironical words :

“Why have you deigned to ascend hither—you, who were so pure and happy on the earth?”—The angels implore pardon for the sinner in a touching hymn ; but she, with a feeling of pain that springs from tenderness, checks them : “Do not pray for him ! God made him so pure, that good habits would have wrought marvellous things in him. For some time my girlish eyes kept him in the right way ; but I had scarcely left the earth when he blotted out my memory, gave himself up to others, and fell so low that my only resource to save him was to make him see the hostile races.”

Dante is silent, as she adds with increasing vehemence : “Say, is it not true ? Speak ! let your confession follow my accusation.”—With mingled shame and fear, he gasps a “yes,” so feebly, that only to both eye and ear was it intelligible. “Where then,” resumes she, “on what brows, have you found the better guides to virtue that you have followed?”—“Attractions of the moment fascinated me with their false charms as soon as your countenance disappeared.” “You ought to have fled from them, and taken refuge in my memory : but no, you spread your wings like a young bird before the sportsman. This, then, shall be your punishment : look at me in my new beauty, and blush for what you have pursued, in beholding what you have abandoned.” He does, indeed, regard her, and so beautiful does she appear, and so hideous the former objects of his love, that disgust for himself pierces him like a flaming sword ; he falls fainting at the feet of her whom he had wronged. On reviving, he cries : “Where is she ? where is she ?” She is before him, but tender, compassionate, her countenance disarmed of its reproaches. No more trials, no more chastisement ; she consoles him with her sweet looks, and in the contemplation of her he satisfies the longing of ten years.

Then begins their pilgrimage through Paradise—an emblem

of the heavenward movement of every soul that is winged with love.

Who does not recall the conversation of St. Augustine with his mother at Ostia, when both, looking fixedly up into the infinite heavens, ascend in thought from star to star, even to the dwelling-place of God, when a sudden, passionate transport brings them for a moment face to face with the Sovereign of beings and of worlds ! Even so the two souls of Dante and Beatrice rise together into higher realms. Like St. Monica, Beatrice is the guide ; like St. Monica, she reads the questions of him whom she loves in his countenance, and replies before he speaks ; like St. Monica, she reflects heaven in her eyes, and in them Alighieri contemplates Paradise : *ella guardava suso, ed io in lei* : “ her gaze was upward, and mine was upon her.” But as they rise, the beauty of Beatrice becomes more resplendent ; at every step a ray is added to the aureole which crowns her, and they arrive at last before the exalted angels of the triumph of Christ, before the Saviour ! “ Ah !” cries the poet, “ all the tongues that Polyhymnia and her sister muses have fed with their sweet milk could not tell the thousandth part of the beauty, of the smile, of Beatrice, as she presented me to the celestial group, exclaiming : Thou art redeemed !” He is redeemed, indeed ; now that he has tasted divine beauty, he may return fearless, to finish his life on earth. Beatrice sits in the third circle, on the throne to which her virtues invite her, and he whom she has saved addresses to her this sublime adieu : “ O woman, in whom lives all my hope, who hast deigned, for my salvation, to leave thy footsteps on the threshold of the Infernal, thou hast redeemed me from slavery to liberty ; now Earth has no more dangers for me ; I cherish the image of thy purity blooming in my bosom, that in my last hour, acceptable in thine eyes, my soul may leave my body.”

Such is the unknown model of womanhood which the genius of Dante erected on the threshold of poetry and modern civilization. This creature, becoming more beautiful as

he whom she loves becomes purer—these two hearts borne along, one by the other, in the infinite realm of virtue—present a spectacle at once so real and so ideal, that we see in it at the same time the inamorata as she appears on earth, and her who is promised in heaven; and would that the divine travellers might draw after them even into celestial regions the souls that contemplate them!

The Provençal poetry* and chivalry added still another feature to this influence of woman, as the object of love.

The inamorata, in Dante, leads to heaven: in the Troubadours, she leads to glory—to the poet's, warrior's, patriot's glory.

“Who should be surprised,” says Bernard de Ventadour,† “if I sing better than all other troubadours? I love so much.” His love was his genius.

“There are men,” says Bernard again, “who, if a happy circumstance befalls them, are made the prouder and ruder by it. For myself, when God sends me my lady's smile, I feel still more tenderness for those I love already.” Love was the spring of all his affections.

“What prodigies I would accomplish,” cries Guillaume de Saint Dizier, “if she but granted me one of the hairs that fall on her mantle, or one of the threads from her glove.” Love was his heroism.

“I was a poor knight,” says Raimbaud de Vaqueiras; “now I am a rich lord; we have conquered the kingdom of Thessalonica. But I felt myself much more puissant when I was loving and being loved.” Love was his ambition for greatness, but remained even greater than his ambition.

The empire of the inamorata, therefore, extended over the whole life. Judging the actions of her lover, controlling his thoughts, consoling, counselling him, woman seemed then indeed the creator of man. The troubadour calls his lady

* The Provençal poetry began to flourish with Dante, but its golden period was prolonged after him.

† Fauriel, Raynouard.

“my lord” (*Mon Seigneur*). The history of that whole period is the story of Pygmalion reversed.

Thus is personified for the first time, in the innamorata, the worship of Venus Urania; but this triumph could not be complete and undisputed, for Urania represents only the soul; by the side of the innamorata, therefore, arose the mistress—by the side of Urania, Polyhymnia. The troubadour Perdigon contrasts with Bernard de Ventadour; Boccaccio and Ariosto, with Dante and Petrarch; and in this antagonism the character of the two loves, and the sentiments which follow in their train, are drawn with striking energy.

Spiritual tenderness was always mingled with respect for woman; sensual adoration was always joined with a secret contempt, and even a sort of hatred, of her.

Spiritual tenderness, by a moral harmony which, strange as it is, may be explained, was allied in illustrious men with an austere patriotism. (Ideal love idealizes all the other sentiments.)

Almost all who have celebrated sensual love, on the contrary, have been indifferent, or sometimes treacherous, to the cause of their country.

Ambition, martial ardor, the passion for glory, may have found place in their hearts; but rarely generosity and disinterestedness. They had not the souls of citizens.

The facts prove that.

Perdigon, the first of the troubadours, expressed in a *canzone* these coarse sentiments: “Women, do not undertake to make me languish. I mean to find immediate favor with you—women, whom I tenderly love. Whoever denies me, is sure to be abandoned by me.” Well, this same Perdigon called down upon his country the disasters of the Albigensian crusade. Perdigon conspired with the Abbé de Citeaux and the bishop of Toulouse, to excite the wrath of the pontiff; Perdigon executed the papal sentences of condemnation; he was false to the glory of Provence, alike as warrior and as poet.

Dante and Petrarch, the two chaste poetic celebrators of

the *inamorata*, were the most ardent patriots of Italy. The *Divina Commedia* is full of invectives against the oppressors of the poet's country. In the depths of the Inferno, Dante thinks of his country; he thinks of her among the joys of Paradise; the star of Italy follows him through every world. Nay more, what was his sudden change from a Guelph to a Ghibeline, but the dizzy agitation of a genuinely Italian soul, which, in despair amid the sorrows of Italy, turned supplicatingly to anything which might save it, and adored every pacificator in advance, as the elect of God.

Petrarch is the worthy brother of Alighieri. The heart of a whole people beats in his letter to Rienzi. Laura and Rome were the twin objects of all his thoughts. His love of the Latin tongue, even, was but one form of his love of country: in employing the idiom of Cato and Brutus, he seemed to revive for his dear Italy something of that antique glorious republic of which he dreamed: a heart at once Platonic and patriotic.

Who is, on the contrary, in the same age, the defender of Venus Pandemos? A Florentine banished from Florence, a courtier of King Robert, a man who chose for the framework of his licentious pictures one of the greatest misfortunes of his country, a writer who blasts and despises the women whom he adores, the author of the *Decameron*—Boccaccio. Laura and Beatrice were simple daughters of the bourgeoisie, exalted by Dante and Petrarch even above queens. Boccaccio loves a king's daughter; but he describes her as a courtesan.*

Insult and disdain are always mingled with sensual homage. *Crudelis et immemor voluptas*; the voluptuary is always ungrateful and cruel.

Italy, in the subsequent periods, lost more and more of the sentiment of nationality. And who were her poets? The charming, licentious Ariosto—Tasso, half-Christian and half-pagan. Is not Armida the heroine of the *Gerusalemme*—Armida, who borrows from Venus Pandemos even her woven girdle,

* Boccaccio loved the Princess Mary, daughter of King Robert. He calls her Fiammetta in the *Decameron*. His last work was a bitter satire on women,

"Di teneri degni, e di cari vezzi,"

and does with Rinaldo as Omphale did with Hercules? How far from the heavenly lessons of Dante! The description even of the virgin loves of Olindo and Sophronia is marred by something at once gallant and coarse. United with her on the same funeral pile, Olindo rejoices,

"Del rogo esser consorte, se del letto non fui,"

to share her funeral pile, though he had shared with her no other couch.

As the flames envelop her, he regrets that he cannot breathe forth his life into the mouth of her he loves:

"L' anima mia nella bocca tua io spiri."

Alone, in the midst of sensuous Italy, the austere Michael Angelo cherishes the grand poetic tradition of Dante. His sonnets, and the purity of his life, are devoted to another Beatrice; but the late son of a passing epoch, he lives and dies alone, and resembles one of those gigantic remnants of antiquity which the present avoids with seeming shame and fear; or rather, is like one exiled from his country in respect of time, though not in respect of space.

About the middle of the fifteenth century the contest between the two loves began in France; on one side the obscene and satirical *Roman de la Rose*, Matheolus, Guillaume Alexis, and his *Blason des Amours*; on the other, a pure, young, and beautiful woman, full of poetic genius and learning—Christine de Pisan.* As usual, patriotism flourished in the same heart with Platonic love. Amid the frightful civil wars of Charles VI., Christine wrote letters, all imbrued with

* The life and works of Christine de Pisan would merit a detailed examination, if our subject permitted it. Her *Trois Vertus*, *la Cité des Dames*, eight letters against the *Roman de la Rose*, and her poems, are so many protests in favor of ideal love. Never have women had a more worthy advocate or a nobler model.

tears, to Isabella, to the Duke of Burgundy, to the Duke of Berri, beseeching them, like Petrarch, Peace! Peace! Peace! Those streams of French blood drew cries of pain from her, as though it were her own side that was bleeding. When Joan of Arc appeared, Christine issued from the convent, where, in her last days, she had sought protection, to raise a hymn of public thanksgiving to the heroic deliverer; and while a priestess of Venus Pandemos presided over the disasters of France, France was regenerated, was saved, and celebrated in song, by the chaste widow and the chaste virgin, Christine and Joan of Arc.

Under Henry IV. Christine had a noble heir, in the famous descendant of the Pisani.

To combat the sensualism of Rabelais, Villon, Marot, and Gauthier; to unbrutalize her age, as she herself expressed it; to reform society by love, after reforming love by chastity; to restore women to the head of civilization, by commencing a crusade against sentimental vice,—such was the work of which this woman dared to dream at twenty years of age. Providence, sympathizing with her, sends to her support the greatest genius of France. This woman is the Marquise de Rambouillet: the man Corneille. Indeed, do we not find sublime sisters of Beatrice, divine models of that love which inspires great deeds and accompanies great virtues—in Chimène, visiting the vengeance of a father upon the head of a lover—in Emilie, making her love the reward of patriotism—in Pauline, demanding of Severus the safety of Polyeucte? The word glory thus for the first time has significance for women as well as men—it means purity in the one, honor in the other. Pauline and Chimène speak of their glory; and Mme. de Sévigné, that charming, true woman, who could impart all the piquancy of levity to the severe beauty of virtue—Mme. de Sévigné, a pupil of Corneille, loved *sa gloire* with a passion.*

* On this subject the reader may refer to the interesting memoirs of M. Walckenaer.

When, therefore, master and pupil disputed the dramatic superiority of Racine, neither was the pupil partial nor the master jealous; but, for both, that sublime ideal of the stage passions, which should be the ideal of life, was profaned and dwarfed by a complaisant, over refined, egotistical delineation of love, as it appears in Roxane, Hermione, and Phèdre. Where, in Racine, is love presented as a culture? His love is fallen from Heaven to Earth.

Masculine virtues and patriotic sentiments breathe in every verse of Corneille. In Racine, there is the spirit neither of a hero nor a citizen.

The heroines of Corneille are often women of humble life, Camille, Chimène, Pauline, Theodora; but the poet makes them queens in heart. Racine puts almost all his characters on the throne—Hermione, Roxane, Phèdre; but in their love, he levels them with vulgar women. In this there may doubtless be more of general truth, but less of ideal grandeur. Finally, it is worthy to be noted, although already remarked, that Racine, admirable as he is in depicting jealousy, is cold and weak when he speaks of young and tender loves. What more *mannered* creations than Junie or Aricie? The painters of austere love have alone found, it would seem, the art of treating virginal amours. Corneille, at thirty years, celebrates the divine tenderness of the Cid; at sixty years, he describes the delicious and poetical scenes of Psyche, and from his pen escape, in the sequel to the *Menteur*, these verses, which even the author of "Romeo and Juliet" might have envied:

Le ciel, entre les cœurs, par un secret pouvoir,
Sème l'intelligence avant que de se voir;
Il prépare si bien l'amant et la maîtresse,
Que leur âme, au seul nom, s'émeut et s'intéresse:
On s'estime, on se cherche, on s'aime en un moment;
Ce que l'on s'entre-dit persuade aisément;
Et sans s'inquiéter d'aucunes peurs frivoles,
La foi semble courir au-devant des paroles!

La langue en peu de mots en explique beaucoup ;
 Les yeux, plus éloquents, font tout voir tout d'un coup ;
 Et de quoi qu'à l'envi tous les deux nous instruisent,
 Le cœur en entend plus que tous les deux n'en disent.

Under Louis XIV., the ideal of which the Marquise de Rambouillet had dreamed was dethroned ; Venus Pandemos reappears, and the dazzling luxury of royal caresses scarcely veils beneath an elegant exterior the gross coarseness of the mysteries of Versailles and Marly. No more chaste worship of women, no more respect for them, no longer a beneficent rôle for them to fill. By the side of the *Amours des Gaules* of Bussi-Rabutin, of the *Contes* of La Fontaine, shine the *satires* of Boileau ; all the vices are permitted to women, all labors forbidden them. The venerable Madame de la Sablière is travestied by Despréaux as an astronomer *de gouttière* ; Molière himself, the great Molière, in ridiculing only the excesses of the spiritual idea, completes its ruin and extinction. Everywhere the mistress drives out the inamorata.

After Louis XIV. comes the Regency, when the temple of the Corinthian Venus, with its five hundred prostitute priestesses, is transported as a shrine into the midst of French society. The torrent carries all before it. The vile jests of Crebillon *fils*, the theories of Diderot, Voltaire's mocking disdain for women, and Rousseau's and Montesquieu's philosophical disdain for them, complete the triumph of Venus Pandemos ; the poets of love are pupils of Propertius—as Chaulieu, Bertin, Parny, even André Chenier, who often only unites the genius of a Greek to the heart of a Roman—sings like Anacreon and loves like Tibullus. Woman is no longer celebrated, except under the title of a thing for pleasure.

But suddenly the Revolution breaks out, and with it also a thousand unknown traits of feminine greatness. Suddenly from the heart of a young man proceed words which become the cry of the public conscience. In his verses, which are the echoes of noble souls, the ideal woman is restored to the

altar, with her divine, inspiring character ; this hymn of recognition, I am proud to say, is the *Mérite des Femmes*.

Superior geniuses had already sung of women ; but why had none of them, like him, heard his verses repeated by a chorus of sympathetic voices ? Because this young man's poetry was not only that of a true poet, but of a great cause. In discharging the public debt to the heroines of the Revolution, his work was superior, so to say, to its own merit, associated itself with the beautiful traditions of Dante and Petrarch, and reproduced for the future the effaced image of spiritual love, of the Inamorata, as the inspired and consoling guide.

Finally, in the times nearest our own, when the new school, whose merit in this respect we must admit, revived and created perhaps, in France, genuine lyric poetry, who was the leader of this youthful army ? Beatrice ! The *Meditations*, with their enchanting mélange of piety and love, may even seem a last canto of the *Divina Commedia*. Whence did the author of the *Feuilles d'Automne* derive his finest poetry, but from the chaste influences of domestic tenderness ? What is the exquisite creation of Eloa ? What are all the inspired accents that escaped from so many young lyres, but the echo of that fine saying of Petrarch to Laura : " All virtue comes to me from thee, as a tree from its roots."

Thus the struggle between the two Venuses, the two loves, has been established and prolonged on the earth. A lesson for us results from this exposition ; as the influence of the inamorata has been great for woman and good for man, so, and to the same extent, has the empire of the mistress been fatal to the one and shameful to the other. What is the inference ? Ought we to anathematize one of these two loves ? To condemn all affection, as it regards sense ? No : the two loves have unequal rank and rights, but both have their rank and their rights ; each represents, from one point of view, the design of God in the union of man and woman ; both are therefore legitimate. We must not proscribe the terrestrial Venus

while we are on earth, but we must purify it, and ally it to the celestial Venus—for we aspire to heaven. What shall seal this alliance? Marriage. Marriage is the only sanctuary, wherein there is room for both these worships; it purifies the one, animates the other, and combines the inamorata and the mistress in a single person—the Wife. Thus we are brought by a natural sequence of ideas to examine the conjugal relation.

BOOK III.—THE WIFE.



CHAPTER I.

FREEDOM !

THE life of the wife is even a more difficult study for the moralist than that of the young girl ; the evils are more real, and at the same time more disputed, the remedies more necessary and also more contradictory.

When we speak of enfranchising girls, we have all the fathers for allies. When we propose to ameliorate the condition of wives, we have all the husbands for enemies. We hesitate before our own thought. Our most legitimate desires of reform are perplexed by very grave questions of general order : as unity in domestic government, the education of children, care for the moral purity of wives. To demand equality for the girl is to claim access for her to all that is beautiful and great ; her virginal robe shall receive no soilure in these new paths ; and such a reform may be introduced into the family without taking from it any of its sanctity and sweet peace. But to invite wives to equality is perhaps to shake the family fortunes, to bring discord into the harmony, to compromise the future of the children ; nay, more, to precipitate the women themselves into a degradation a thousand times more fatal to them than subjection.

Reason seems therefore at first to allow the dependence of the wife.

But when in the very name of reason we subject these general theories of domination to the discipline of facts: when we conscientiously ask ourselves what marriage ought to be, and compare this ideal type engraved on the heart of every honest man with the reality which the world presents; when we see in the domestic economy all the evils which spring from masculine omnipotence, the ignorance of women in affairs which concern them most, their exclusion from the management of their own property, the void and ennui of their existence, their incapacity to support and protect their children if widowhood befalls them, or if they have spendthrift and prodigal husbands; when, in fine, we see the husband himself corrupted by the exercise of this power, and losing his appreciation of feminine dignity; then, in the presence of such facts, we begin to doubt the legitimacy of his supremacy, and to feel the necessity of analysing the principles on which it rests.

What are these principles? Unity in the government of the family—authority. First of all, we would say that we recognise and profoundly respect the conservative character of these two principles; but do they really demand the omnipotence of the husband? This question must be examined.

There are two kinds of unities: rich unities and poor unities. Arithmetic comprehends both. A bank bill is a unity; a penny is also a unity. It is the same in governments; sometimes the unity is the result of a single will acting in the place of all the others, which it absorbs, as in Turkey; this is the penny unity. Sometimes, as in the American States, the unity is the fraternal fusion of all the wills into a single one, or into several, which represent them. This is the unity of the million. Now, the unity which embraces a number of persons is true and strong in proportion as all these persons are represented therein; it is the difference between a bundle of weapons and a single weapon, between a choir of voices and a single voice; all form but one, but all are in that

one. Hence a deduction for the household. To establish unity therein, we must appeal to the two forces which compose it ; and every theory which stifles one for the profit of the other breaks up the true unity. We are led, therefore, to claim some portion of power for the wife in the name of one of the very principles which seem to withhold it from her.

Let us pass to the second principle, that of authority. Authority, since '89, has changed its character. Before '89 it came from a primitive right called "divine right," and its only object was the advantage of him who possessed it. "I am the State," said Louis XIV. Why was the king master ? Because he was king. Why was the husband master ? Because he was husband. The title gave the right. But modern civilization rests on a different law. Authority is established no longer for the advantage of him who exercises it, but of him who is subject to it. It derives its legitimacy and the reason for its existence not from itself, but from its benefits. It is not a right, it is a duty ; or rather it is a right only inasmuch as it is an instrument of duty. What results from this—for the household, as for the state ?

First, that as power belongs primarily to no creature, the husband obtains it only by being the more worthy ; and then that as this power is sacred only when salutary, and, like every other human measure, is salutary only when watched, the authority of the husband ought to be limited, and subject to control in the name of this very principle of authority. Now our conjugal code violates that principle ; for the husband, as executor, has a power without limit and without accountability. A general may be degraded, a minister impeached, a king deposed : the husband power alone is irremovable* and inviolable.

Before such stern truths all hesitation ceases, and we ex-

* The words "irremovable" and "without limit" may seem too absolute, since the woman has the right, in certain cases, to insist upon a separation of property ; but we shall show, further on, how very difficult her ignorance renders this judicial act, even where the woman's own interests are concerned.

perience a desire to plead the cause of the subjects before the masters themselves, to summon husbands before a tribunal of husbands. They are indeed the first to be convinced. There is more of blindness in their resistance than love of domination; they know neither what they are nor what they ought to be. We, therefore, wish to renew the ideal of marriage in their hearts, by making them blush for what they propose to themselves, by inspiring them with respect for what they ought to propose. They must be persuaded to descend, or rather to ascend, from their character of masters to that of emancipators. Let their souls be once introduced to that sphere, and legal emancipations will arise of themselves; constraints will weigh more heavily upon those who impose them than upon those who submit to them: for a heart truly just, is itself elevated by elevating those which surround it; and the thought of having around him only persons free like himself, the consciousness of walking side by side, in pride of heart, with the companion of his life, implies a thousand pure and noble joys which are unknown to the vain haughtiness of the lord.

Another fact affords us hope and courage in the pursuit of these reforms—the immense progress already realized, in the course of eighteen centuries, in the condition of the wife.

Like a living person, whose existence is unfolded from century to century instead of being consummated by years, the character of the wife, in the west, is developed to our eyes with all the vicissitudes of fortune, internal metamorphoses, and successive ameliorations, which interest us in the recital of an individual destiny. An abstract figure becomes a living person, and we see it evolve one by one the principal traits of that ideal type which it belongs to our century to complete. Each people, each civilization, outlines a progress. In Rome the management of property devolved, under certain circumstances, upon the wife no less than upon the husband. Thus was the material emancipation inaugurated. The same period produced Jesus, the teacher of souls. He regenerated

the heart of woman by endowing her at the same time with love and chastity—and thus the moral emancipation began. The barbarous tribes precipitated themselves upon the Roman world. For what did they go there? To be enlightened, but also to enlighten. To give, and to receive. From the haughty German woman, the type of the wife acquired dignity, pride, and strength.

Then came the feudal system—a machine most powerful as a mechanical organization: under it woman pursued in the household the conquest of her pecuniary rights, and out of the household, as we shall see, the promotion of her interior culture.

Meanwhile, that longing for the ideal implanted in her heart by Christianity, enriched it with two affections unknown to antiquity: celestial love, whence came the Saint Theresas; human love, which made the Héloïses.

With the modern order chivalry upsprang to complete the work; it inspired woman with a taste for the beautiful; it indicated to her her true character in the world—an inciter to great deeds; and while, from the fourteenth century to our own, science and conscience have united to elevate her day by day to a higher place, she is found always in her soul above the place attained.

Such is the statement on which we found our demands of reformation: the record of an education and an enfranchisement; a history of a soul awakened and a destiny fulfilled; a biography which at the same time is a lesson. What, indeed, is history, if it is not the voice of God speaking by the actions of men? And what progress more legitimate than that which is but the result of eighteen centuries of progress?

CHAPTER II.

POWER OF THE HUSBAND OVER HER PROPERTY.

THE first question that presents itself is the property question. In this consideration, in fact, is included all the others; for nothing denotes the moral subordinate so unmistakably as pecuniary dependence. How does the law punish the spendthrift? By depriving him of the management of his fortune. How does the law restrain the incompetent? By depriving him of the management of his fortune. How does the law control the minor? By withholding from him the management of his fortune. Not to *possess** is to be civilly and morally dead; for to possess is to use, to give, to help, to act, to live! The questions of delicacy and dignity are found, then, closely connected with the question of money; and to deliver over to the husband the fortune of his wife, is to condemn her to an eternal moral minority; it is to create him absolute master of the actions and almost of the soul of his companion.

These consequences established, let us examine, in the question of property, as to what the legislation of the past has done for the wife, and what our law has done.

Rome, thanks to her peculiar constitution and to her origin,† affords a singular example of feminine emancipation.

* I use the word "possess" here in the sense which indicates possessor, not proprietor. Possession implies use.

† Who were, in fact, the Roman wives? Sabine women—that is to say, civilized women ravished by barbarians; and these barbarians admired them as superior beings. (See Plutarch, *Life of Romulus*.) They alone, in fact, had interposed between the two nations; they had disarmed the vengeance of their brothers and fathers by leading them to their new abodes, and showing them that they were mistresses (*a*) there. The ravishers had atoned for their outrage by their respect: they had carried off these women, as the Greeks bore the images of Pallas from Troy—in order to adore them. So, a

(a) Plutarch, *Life of Romulus*.

At Rome, indeed, there were two very different kinds of marriages: the first, called *per coemptionem* (by sale), delivered the wife, body and fortune, into the power of her husband; or, indeed, if she were patrician, a religious act (*confarreation*) took the place of the sale, but without at all changing the result. The young patrician girl appeared with her betrothed before the High Priest of Jupiter, accompanied by ten witnesses; her head-dress was in the form of a tower, like that of the vestal virgins; on her brow was sweet marjoram, and a crown of vervain; a purple veil adorned her face, a girdle of lamb's wool confined her white tunic. Then approaching the high priest, she received from his hand a cake of flour, water, and salt, which she divided with her husband; after this form of communion, she formed *one* with him—that is to say, she became absorbed in him; the ownership of her present, the right to her future possessions, the management of her income, the disposition of her real estate, the power even over her own person, all passed from the father to the husband.* She was *in his hand*, according to the energetic expression of the Roman law.

But, beside this marriage by *coemption* and by *confarreation*, there was another union, much more in harmony with the spirit of the Roman family. The wife, instead of entering her husband's family, often remained in her father's—a result

solemn treaty, proposed by Romulus himself (*a*), confirmed the position of the new wives: the Romans (*b*) engaged never to compel their wives to prepare domestic food, nor to turn the mills to grind grain; their sole office was to spin wool. Moreover, the civil and religious laws consecrated their privileges; and during the solemn feasts instituted in their honor, and named *Matronalia*, every man who met them had to yield them precedence. It is plain that, established on such bases, the position of woman in her conjugal sphere naturally assumed a singular character—if not of complete independence at least of grave dignity; and the Roman wife obtained the beautiful name of “matron,” which expresses at once her virtue and her authority.

* Mulier viri conveniebat in manum, et vocabantur hæ nuptiæ, per coemptionem aut per confarreationem.—GAIUS, iii. 24;—BOETIUS.

(*a*) Plutarch, *ibid.*

(*b*) Dion. of Halicarnassus, b. ii.

of that formidable paternal power of which we have spoken.* Hence a strange result for the benefit of the wife. Her independence as a wife sprang from her subjection as a daughter. In the first place, while her father lived, she had, and must have, a dowry to meet her household expenses—her first property. Then, her father being dead, her hereditary fortune enriched her. She enjoyed that—she controlled it, and controlled it alone; her husband had no right in it, either as to its management or use. There was usually a slave intrusted with this management, and responsible only to the wife, to whom he rendered all accounts, to whom he delivered the proceeds of sales, whether of cattle or grain. He was called the *dotal slave*.† Possessing thus an independent patrimony, free as to her fortune and the management of it, the wife assumed an equal, often indeed (and wrongfully) a superior, rank in the household. Sometimes the husband, to obtain a sum of money, was reduced to concessions which compromised the marital‡ power; at other times he had recourse to ruses and corruptions, either to corrupt or to deceive§ the *dotal slave*, which, if discovered, lessened him in the eyes of his wife—his mistress henceforth, both by his necessities and his expedients. Finally if, heavy business operations compelling him to borrow,|| he applied to his wife, she opened her purse to him, but only for usurious interest of *complaisance*; for indeed we may as well admit that, though oppressed by law in more than one respect (as, for example, by subjection to perpetual guardianship), she could indemnify her slavery by her despotism, and purchase by these conjugal loans the right to caprices and strange whims, and even worse. If the husband complained, the wife

* *Duæ formæ sunt uxorum; una matrum familias earum quæ in manu convenerunt; altera, earum quæ tantummodo uxores habentur.*—Laboulaye, sec. ii. chap. 2.

† Plautus, *Asinaria*, Act i. and iv. *Dotalem servum Sauream uxor tua adduxit; cui plus in manu sit quam tibi.*

‡ Idem, *ibid.*

§ Plautus, *Aulularia*, Act iii.

|| Idem, *ibid.*

armed herself with her loan as with a sword—no longer a wife, but a creditor; and the dotal slave, charged with pitiless orders, pursued the poor man, who could only hang his head and be silent. More than one indignant voice was raised against this state of things; more than one Roman cursed the fortune he had sought in marriage, and cried with comic grief, as in the *Asinaria* of Plautus, “No dowry! No dowry! Women with dowries swallow you up. You sell yourself for a dowry.”*

Cato,† the censor, attacking with his bitter sarcasm this subjection of the husband, loudly demanded the establishment of the Voconian law, setting bounds to such fortunes and to such excesses. But in spite of Cato, in spite of these excesses, in spite even of the Roman law, the material independence of the wife continually strengthened; for this independence—vicious in its consequences, because it was included in a system of despotism—represented one of the most lawful interests of the wife, the right of decision in her own affairs, the possession of her own property, business habits and authority, and all that comes of such practical freedom—a nobler rank at home, and more of dignity in all her conduct. The barbarian law, and that of the Middle Ages, adopted neither the rigor nor the indulgence of the Roman system; the wife was neither a slave, as in the marriage *per coemptio-nem*, nor free, as in the other form. She was a minor, but a protected minor—a ward. The barbarian law styled the husband an administrator; but he could not sell the property of his wife without her consent, nor even without that of her nearest relative.‡

* Plautus, *Asinaria*, Act iii. sc. 5. *Menæchmi*, Act iv.

† Aulus Gellius, xvii. 6.

‡ Si qua mulier res suas, consentiente viro suo, communiter venundare voluerit, ipse qui emere vult, faciat notitiam ad duos vel tres parentes ipsius mulieris, qui propinquoressunt, et si in præsentia de ipsis parentibus suis illa mulier violentiam se pati dixerit, non sit stabile quod vendiderit.—(Leg. Luitprand, 4.)

Notwithstanding the habitual solicitude of the law, the widow was forced

The feudal system borrowed from barbarian custom an institution truly free, truly paternal, which imparted a character to woman at home by interesting her in her own property. This admirable institution was the *acquêts*.

What a fall! you will say—from the heights of enthusiasm to an attorney's expression. An ugly word, but a fine thing. It is one of our French vices to reject the most fruitful ideas on account of some harshness of syllable, to render facts responsible for the words which express them, and to make useful

to pay the debts of her dead husband, even out of her own fortune; or if her poverty made that impossible, she could not marry again, unless the second husband engaged to discharge the obligations of the first. But this burden weighed only upon the wives of the poor. Now Providence, which employs every means to bring about good, transferred the right of the noble to the plebeian wife, as formerly it had armed itself with the privilege of the daughters of poverty (*a*) to enrich those of the nobility; and very soon all wives, on the death of the husband, were discharged from the obligation of paying his debts by relinquishing their right to the personal property. This was the manner of renouncing it: On the day of the funeral, the widow followed the body to the burial-place, her waist bound with a girdle, and a bunch of keys in her hand (*b*), all the keys of the house. At the grave, the body having been lowered into it, the wife unclasped her girdle and let it fall to the ground, and took the bunch of keys and threw them upon the grave. Thenceforth there were no more debts in common, for she had loosened the cord with which she had girt her loins for labor, and had thrown away the keys that guarded the furniture of her house. This ceremony accomplished, she returned home; whence (as if the law could not suffer her to leave that dear asylum without taking with her at least a souvenir), although she had given up her furniture, she was permitted to take her most beautifully decorated bed (*c*), her finest dress, and the best of her jewels; or, at least, her everyday dress, her ordinary attire during the last sickness of her husband (a touching allusion to her cares), her bed as it was usually furnished (with curtains, if there were any), a couch for a servant girl, and in addition (because henceforth she would be compelled to transact her own business), a smart palfrey for riding.

(*a*) "It is commonly said that a noble woman has the right to take all the furniture and to pay all the debts, or to give up the furniture so as to be free from the debts." See *supra*, art. *The Girl*.

(*b*) *Grand Coutumier*.

(*c*) Beaumanoir, chap. xiv

pursuits ridiculous for the sake of a certain euphonious combination of sounds. None have been more truly the dupes and victims of this scorn of words than women. *Syllogism* has excluded them from philosophy—*protoxyde*, or something else, from the natural sciences, and *mortgage* has scared them from the knowledge of their matrimonial rights. Words, those conciliators designed to put us in communication with ideas, have become bugbears to frighten them away. So this word *acquêt* may seem very coarse, but I find it noble, melodious, touching; for it signifies partnership, labor, freedom! To create acquêts, to decide, like the Ripuarian and Feudal laws, that the wife is entitled to a part of the wealth acquired in marriage, was to recognise her as a partner with her husband, to proclaim her influence in the prosperity of home; in short, to render marriage no longer the union of an inferior and a superior, but the alliance of two free individuals, pursuing a common end by an equal intelligence.

An heir of these laws of progress, our civil law seems at first to aim at developing them in all their consequences. It proclaims this beautiful maxim, which for ever overthrows the old theory of woman's inferiority: *Every individual of either sex who reaches the age of twenty-one, is declared of age*. But hardly is this freedom for young girls proclaimed when the legislator retracts it as to wives; he contradicts his law, he stultifies his own principle, he declares that all women who marry (that is to say, almost all women), shall fall back into minority again. More than that: he has made this minority even more stringent than the first, he imposes it as heavily on the wife of fifty as on her of eighteen, and arguing by family interests, and woman's incapacity, he dispossesses* the wife *pro bono publico*. In vain do the facts protest against this pretended incapacity, in vain do realities argue thus: "To whom is the prosperity of most of our commercial

* By this word dispossess, I mean deprivation of use—that is, of the income. I shall be met with the dotal system, the paraphernal, &c., but those are but legal tolerations. The rule is, marriage by community of goods.

houses due? To women. Who establish, who conduct the innumerable shops of millinery and objects of taste? Women. Who manage the boarding-schools, the farms, often even the factories? Women.”—It matters not; the law ignores in the wife the foresight which preserves, the intelligence which manages, even the maternal tenderness which economises, and the marriage certificate becomes but an expression of that scornful phrase, “The most reasonable woman never attains the common sense of a boy of fourteen.”

Look at it:

The legislator establishes, as a law of marriage, marriage by communion of goods; and under this law, the husband controls not only all the property in common, but even the wife's own real estate.* Is a lease to be contracted? he alone has the right to sign it. Has a woman intelligence enough to contract a lease? If her husband is absent, she may not sell the joint property even to set up her children, without authority from the law. Is a woman capable of disposing of property? What if the paraphernal law does assure her the control of her property; trammelled even in her independence, she cannot alienate it without the consent of her husband.† Might we not imagine in reading such enactments that men are faultless beings, who never contract debts, and that women have glowing hands in which money, houses, lands melt as in a crucible? The code-makers have even inserted the following restriction: A husband by no agreement, not even by marriage contract, can grant to his wife the general power of disposing of her real estate. Her master is not permitted to liberate her. It may be said that this concentration of fortune in a single hand has for its object merely the interests of the children, and not the subjection of the wife! But if that were so, what should have been the first care of the legislator? To watch the master whom he is forced to create—to surround with obstacles, and guard with

* *Civil Code*, Art. 1425, 1427, etc.

† *Civil Code*, Art. 1476.

a perpetual inquisition, an exorbitant power, to prevent that power from becoming a despotism. But he does nothing of the sort; he studies only to render the wife's dependence more complete; he does not even allow her a sum in proportion to her dowry, for her expenses and necessities. When a rich young girl, under this law of community of goods, marries a poor man, whom she enriches, if her contract does not secure her a personal allowance, and if her husband is miserly, she may live in a sort of misery in the very midst of that opulence which is of her own making. She will find herself forced to beg for money, coin by coin—to live on alms as it were.

We are reminded of the foresight of the father, who always controls this allowance. But if the poor child has no father, if she has not a friend near her, at the moment when confidence is more than a pleasure, when it is a need, when that word "community" allures her young heart—then is she abandoned without check to all the temptations of her own generosity. The law ought not to suppose a father, but to take the place of one; now, how can it replace him? By adding a thousand vexatious and useless tyrannies to its complete system of general dependence? Even a divorced wife—divorced from her husband's board,* from his bed—cannot sell her own real estate without his permission (a ring remaining in the flesh after the chain is broken).† A wife cannot donate the smallest part of her estates. Does a debt of gratitude bind her to some old man who has not time to wait for her *will*? Would she comfort the lot of some friend whom want has overtaken? Would she help the kind relative who reared her? She cannot do it. She must have formal authority and permission to be grateful. Moreover, a wife cannot accept a donation‡ without the permission of her husband. To forbid her to give is tyranny, to forbid her to accept is an injury. What are they afraid of? That she has not pride

* *Civil Code*, Art. 1549.

† *Civil Code*, Art. 505.

‡ *Civil Code*, Art. 934.

enough to refuse an undeserved donation? No, something worse than that; there is in this prohibition a certain odious suspicion of recompense, *of money earned*, which makes the outrage of it. The honor of the husband would suffer, they say! But has the wife no honor? Has she not a heart above all, a heart whereat we knock without mercy, to demand whatever belongs to it. If a wife possesses jewels or furniture, which are objects of peculiar remembrance and affection to her, her husband can take them, sell them, or give them to his mistress. The law is precise on this point: "The husband is at liberty to dispose of the furniture of the 'community' by free right, for the profit of all concerned."

Thus this law respects no delicacy, no dignity, no right of property; it even overturns the conservative principle which requires the husband to support his wife and children according to his means.

To convince ourselves of this, let us turn to the women of the lower classes—and what spectacle is presented to us? A debauched sot sells the bed his wife sleeps on, the cradle in which his infant lies, the table from which they feed, the trough in which their bread is kneaded, in a word everything, that he may waste the price of it on some abandoned creature; and when the unhappy mother, who sees her children ragged and starving, runs distracted to an officer of justice and implores him in her desperation and helplessness to compel her husband to leave her at least a pallet, the man of the law coolly quotes the law: "The husband can sell all the movables." Could we believe that, if a magistrate himself had not written and printed it? Some women have thus seen their poor furniture, acquired by the sweat of their own brows, three times sold. When the house was empty the husband abandoned it; as soon as the industry of his wife had refurnished it, he returned and sold it anew.

Such is the fruit of that fatal system of executive omnipotence; it depraves the husband, who considers himself

* *Travail et Salaire*, by M. Tarbé, deputy procureur du roi, p. 249.

master by divine right, it destroys all domestic peace (for half of all the family quarrels are quarrels about money), and ruins the wife and children. Let the husband be a gambler or speculator, or even only a spendthrift, and his wife shall see the goods which sometimes compose all their wealth scattered in mad waste. She even foresaw, perhaps, the bankruptcy and the ruin, but could do nothing, nothing for herself, nothing for her family. The law, it is true, permits her to sue for a divorce if her husband's bad management puts her dowry or her rights in peril. But is she familiar with his management? Does not the very exclusion which the evil creates render it impossible for her to prove it? Has it not happened a thousand times that the woman first learned of her ruin on the very day she was ruined? Does she even know what justice is? The tyrants are in league against her, and they shield each other. The education of woman, as yet entirely factitious, has so thoroughly inculcated in them a distaste of serious things, we have so interested their vanity and even their very virtues in their ignorance, that the mere name of business frightens them. A woman enter a record office or appear before a tribunal! She would consider herself worse than ridiculous, even dishonored. Often, indeed, her very goodness holds her silent, and fearing by any public act to degrade her husband, she prefers to swallow her tears, to bow her head before the approaching ruin—and behold an entire family reduced to misery, by the very authority and unity that should have sustained it! For such excesses, for so many griefs, the law of order is pleaded in excuse.

We believe, as do all sensible people, that a certain portion of the property should be under the control of a single manager; but why is the marital management subject to no restrictions? All the social forces are held accountable; why, we repeat, is the husband power alone left absolute and irremovable? The injustice is real, you say, the distress indisputable; “but what can we do? how prevent them without overturning the family?”

Nothing more simple; it is not a question of overturning anything, nor even of creating anything; we have only to combine, and to modify in combining, three chapters of the conjugal law.* For progress, that is to say the future, is found almost always in germ in the present: progress does not destroy; it developes and generalizes.

Here is what may be proposed: A young man and a young woman, in marrying, may bring each other a dowry; then the two dowries should make three parts. The first should form the personal property of the husband; the second the personal property of the wife; the third, previously deducted in equal portions from the property of each, should compose the estate in common. The first would be managed by the husband alone; the second would call for a new regulation.

One fact has always struck reflecting men—that there is no majority for the wife; the woman, after being married twenty years, is just as much a minor as the young girl who enters the household at eighteen.

Justice and good sense are opposed to such law. True, it is necessary that the husband on marrying should assume the management of the personal property of his wife; but with the understanding that he shall restore the control of it to her at the end of five years. He should employ these five years in initiating her into the management of her own affairs and instructing her in the administration of her own fortune; she should be a pupil, not an underling; he should be a teacher, not a master.†

* These three chapters are—the second paragraph of the ninth section of the clause on separation of property; the fourth section of the third chapter on paraphernal property, and some articles on communion of goods. The fault of the first two systems is that they invest the woman of eighteen with the possession of her property, and break the bond of “community.” We have developed at length the vices of the last system, but it implies, nevertheless, a spirit of fusion which it is very important to preserve, to a reasonable extent.

† The United States exhibit in many parts of the country the application of this system. The law grants to the women of the Southern and Western

The third part remains—the possession in common. Let the husband be appointed administrator of that; that is right enough—but an administrator controlled, watched, and held to account.

Moreover, to appreciate the reform in this respect, we must remember and observe; that is, we should apply what has been and what is.

The Roman republic and the Feudal system established, under the name of “domestic tribunal,” otherwise an assemblage of relations, a family council—an institution not found in our code. Though charged with the duty of protecting the wife against the husband, such an arrangement is much needed in the conjugal family. Composed of friends and relatives of both sexes, it could be convened at the call of two of its members; and the wife would have the right to summon to its bar a husband accused of prodigality and incapacity. If the inquiry condemned him, and if the woman, on the contrary, had given unexceptionable proof of intelligence in the management of business, the control of the common property could, for a time, be taken from the incompetent man and vested in the more capable woman.

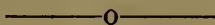
To those whom this subordination of the marital authority would frighten, we would reply, that to act thus is simply to regard the husband as a guardian, to protect the wife as a minor, and to apply to the household an arrangement already accepted for the family.

To those who revolt from the idea of endowing the woman with the control over the common property, we would say that the case is naturally a rare one, since it could only occur by the decision of the family, under exceptional circumstances, and in consequence of the acknowledged incapacity of the husband and the proved capability of the wife; and that it would introduce into the household what can alone insure its prosperity, the employment of both the forces which compose it.

States entire control over their own property. (Miss Martineau, *Manners of the Americans*, v. i., *Civilization*.)

Finally, to those whom these arguments do not convince, we would repeat what we have already said: Since the family is the woman's true realm, it is just that she should be queen in it. Now, over whom does she reign? Over the children? the father alone exercises parental authority. Over the husband? the husband is sole master of the household. Over herself? no; the woman owes obedience to her husband. Over the servants? the master of the house can dismiss or engage them as he pleases. Over the real estate? the wife cannot even touch it. Over the personal property? her own does not belong to her. Now I should like you to explain to me what the family is without husband, wife, children, servants, estates, or furniture.

Let us then pass on to consider the husband's power over the person of his wife.



CHAPTER III.

POWER OF THE HUSBAND OVER THE PERSON OF HIS WIFE.

SAINT AUGUSTINE says in his *Confessions**: "My mother blindly obeyed her husband; so that when women came to her whose husbands were much less passionate than her own, but who yet bore on their faces the marks of marital wrath, my mother would say to them: 'It is your own fault; lay the blame on your tongues; it does not become servants to hold up their heads before their masters; this would never have happened if, when your marriage contract was read to you, you had observed that you submitted to a bond of servitude.'" This brief statement is most interesting; for it shows us, in all its force, the primitive power of the husband over his wife.

* *Confessions of St. Augustine*, book ix. chap. 9.

This power is proved by three important privileges: the right of correction, as we find it recorded in the feudal law; the absolute right over the actions of the wife; the right over her body even, which the phrase "conjugal duty" explains.

Of these three conditions of servitude, the latter is the most humiliating to the wife. To style the manifestations of tenderness "conjugal duty;" to impose upon the woman as an act of obedience that abandonment of her person which love alone can justify, was to materialize marriage, to rivet in the very heart of the wife the first ring of her chain, to set her even below the Oriental woman, who says: "My lord has deigned to visit me."

A cry of revolt was raised against this oppression. It came from the north; and a beautiful Scandinavian legend records, under a poetical form, the indignation and the resistance of women.

Who, indeed, was that sister whom God sent to the Christian wife, from under the glaciers of Norway? Tall, pale, proud, an imperious chastity illumined her brow; her limbs, hardened by frosts, had none of that voluptuous softness which the pliant bodies of Eastern women present; and the purity of her love could be read in her large blue eyes—limpid, luminous, and serene. She recalls to our mind that Cimmerian woman who one day brought to her husband the head of a Roman centurion,* who had dared to commit an outrage upon her, saying: "Two men shall not live at once to boast of having enjoyed me!" She was of kin in soul with those heroic women of the Cimbri, who cried out to the Romans when they commanded them to surrender: "We will surrender only† on condition that we shall be slaves to your vestal virgins!" and who all flung themselves before the war chariots, rather than belong to any but those priestesses of virginity. Finally, she had for a type the haughty Brunhilda.‡

* Amédée Thierry, *Histoire des Gaulois*.

† Plutarch, *Life of Marius*.

‡ *Niebelungen Lied*. M. Fauriel, *Histoire de la Littérature Méridionale*, has

Hard by a far off shore, says the Niebelungen, sat Brunhilda and her court. No living creature had ever equalled the queen; her beauty, like her strength, was beyond conception. Whoever aspired to her hand must first vanquish her in tournament; if he was defeated, he died. Gunther, chief of the Rhine, set his heart on "the beautiful woman" (as she was called), and said: "Whatever happens, I will cross the sea; I will go to Brunhilda, and I will die or make her mine." He departs. The lists are opened. Brunhilda appears—as it were, the very mother of Bradamants and Clorindas. She fights, and is conquered; and then she follows Gunther to the borders of the Rhine. The marriage is celebrated; and at night Brunhilda retires to the nuptial chamber: but as Gunther enters, she stands erect before her couch in her bridal garment of white silk. The knight exclaims: "Behold me now, possessor of all I desired!" and, waving the torch in his royal hand, he boldly approaches the proud Brunhilda. "Back, noble sir!" she says: "I choose to remain mistress of myself." Transported with love and rage, the chief springs upon the masculine maiden, and tears her white garment. At this outrage, at the sight of the man who presumes to compel what love alone should grant, the beautiful and powerful girl finds in her modesty and her pride a strength unknown before; and seizing her girdle, she, in her turn, leaps upon Gunther, ties him hand and foot, and hangs him up, by an enormous nail, on the wall.

Thus part of the night was passed; he dying of shame, and she mocking him from time to time.

"Well! sir Gunther, will it please you now to be seen by your chamberlains, tied fast by the hand of a woman?"

"Unbind me," said Gunther; "and since my violence has offended you, I will not even touch your garments, if you do not desire it."

She then set free his arms, and he stretched himself on the sought in the mythology of Odin for the origin of the Brunhilda type, and has found her as the Niebelungen represents her,—chaste, haughty, and determined to remain mistress of her own person.

couch—but so far from her, that he could hardly see the top of her white silken chemise : she would have it so.

Think, now, of Ruth, creeping under the covering that sheltered the sleeping Boaz. Think of the Indian wife, trembling because her master does not honor her with his body.

However, with the morning came the servants of the bridal pair, bringing new garments in abundance. But the king was pensive ; he waited for the night ; and when it came, he shut the door, fastened it with two strong bolts, and advanced toward Brunhilda. “It is not fitting that thou shouldst have a wife,” said she ; “thou who art weaker than a woman.” And she thrust him violently back. But the valiant man is not discouraged ; he returns to the attack, and seizing the fiery virgin with both his hands,* he bends her in his powerful grasp. Immediately, what a change ! Like the ancient god, who, after being transformed into a lion, a tiger, a serpent, assumed all at once the aspect of a friend, as soon as he recognised in his assailant a man worthy to understand him, Brunhilda, as soon as she felt her arms subdued in the grasp of Gunther, changed at once her look and language. The struggle ceased. “O king,” she said, “I am thine ; thou hast deserved me, since thou hast conquered me : I no longer oppose thy noble love, for I know that thou art worthy to be master.” Henceforth, no longer a heroine ; she remained only a woman, like all other women, except that she was even more tender. How she longed to repair the evil she had done ! How she kissed the hands and brow but now so violently repelled ! A paleness still sat on her countenance, but it was no longer the pallor of wrath, nor even the confusion of shame, but the anxiety of tenderness. With that charming sweetness of which the strongest souls seem especially to possess the secret, she loaded with caresses him of whom she was so proud, the man who reposed by her side. She watched

* In the *Nibelungen* Gunther overcomes Brunhilda by a magic stratagem, of which she is not aware. This, however, has nothing to do with what she says, and we have therefore suppressed it.

him as he slept ; and when the dawn glowed at the windows, and the king would have ridden to the tournament, it was she who detained on her bosom his dear and docile head.

This legend is replete with interest by its very contradictions, and fertile in revelations by its very mysteries. Two morals, which include all the others, are clearly defined in it : the revolt of the woman against marital supremacy ; and the necessity for the man to conquer the love and the person of the woman, before he can possess them. This double sentiment, of female pride and modesty, is found everywhere in the Niebelungen, amid the tumult of actual struggles.

In the Sagas, which are to the Niebelungen what popular legends are to mythological epics, we see the woman always waiting, and wishing to be won.

The white-haired king, Harold, became enamored of Gida, daughter of an obscure lord ; he offered her his hand ; but the simple girl refused the royal proffer,* or at least postponed her consent, and answered Harold in these proud words : “First do more than you have done ; conquer all Norway, and I will accept you.”

King Regner landed on an island with all his fleet ; he found on the beach a young girl tending goats. As soon as she perceived the strangers, she carefully adjusted her golden hair, which hung down to her feet, and appeared so beautiful, that the king longed to take her with him to his court. But the shepherdess said : “Go ; achieve the conquest of your kingdom, and then I will accompany you,—but only as your wife.”

Thus glory was always the pledge of love ; the pride of the woman always beside or above the power of the man. Here, we must confess, were sentiments unknown even to Christianity ; for they bestowed *personality* on the wife : instead of absorbing her in her husband, they left her mistress of herself.

Under the feudal system this character disappeared entirely :

* Mallet, *History of Denmark*, vol. ii, Popular Poetry.

conjugal customs returned to their brutality; the wife did not give herself to the husband,—she owed herself to him.

The centuries that followed left the doctrine unchanged, and masculine despotism has maintained its rights, even down to our day; we still see its gross exercise subjecting thousands of women to the most humiliating servitude or the most insupportable torments. We know the laws do not touch it; but why is there no moralist to teach men that their harsh use of this power, and their faith in its legitimacy, is high treason against human dignity? Why does no one show them to what a degree of cynical coarseness it leads them? I hesitate to quote a story I have heard:

A man of the world had been married two years to a young wife, when two of his friends went to visit him in the country; they found him in almost filthy clothes, his chin rough with an untrimmed beard, his hands of very doubtful cleanliness. "You see me," said he, "as dirty as a pig: so much for the happiness of marriage." Abominable! And yet we must confess that more than one husband can say as much with truth. The cause of their degradation is found in that brutal idea, that their wives belong to them. Why should they put themselves to inconvenience to obtain and to deserve what is theirs by right?

Hence the husband's neglect of his face, of his hair, his abandonment of his whole person to all kinds of wear and tear. And this negligence cannot justly be attributed to graver occupations or profounder studies; for these very men, in their laborious youth, were elaborate in their elegance, whenever their purpose was to please another man's wife; and even now, let them but become faithless to their own wives, and at once they return to all their old arts of pleasing, and all their fastidiousness. This indifference, then, is but the confident possession, the self-sufficiency of the master; and the result is despair for the wife, and dishonor for the husband.

The second right of control over the person, that of corporal punishment, instead of being abolished after St. Augus-

tine, passed, under the feudal system, into the *customs* of the common law ; it almost became an article of the code. "Any husband," says Beaumanoir,* "may beat his wife when she disobeys his commands, or when she curses him, or contradicts him—provided he do it moderately, and not to the extent of causing her death." Could the woman abandon the husband who had beaten her?† No ; the law commanded her to return to the conjugal roof at the first word of regret from her husband, on pain of forfeiting all right in the common property, even for so much as a bare support. The sentence is recorded : to die of hunger, or to live with shame, was the alternative that legislation offered her.

After the Middle Ages, the Renaissance ; and in what respect did it change the system ? Nothing. After the Renaissance, our order of things ; and what does it do towards reforming these atrocities ? Nothing. And then came the Code ; what reforms did it set up against such tyrannous excesses ? None.

Only read our penal code. You will find in it a hundred articles for the definition and graduation of punishment for crimes of a pecuniary nature, but not a line, not a single word, to say that the coward who abuses his strength by striking his wife shall be punished.

True, the law says : "Flagrant cruelties or injuries, on the part of either husband or wife, shall justify the other in demanding a separation." But what is separation ? A remedy impossible to poor women, because it costs so much—a remedy fatal to rich women, because it ruins them for life—a consummation much desired by certain husbands ! There are those who would even wrong the wife in her one poor hope of separation ; so there is neither hindrance nor penalty in it. Consequently, if the husband, constituted like the feudal baron, is careful to graduate his blows so that they shall not lay his wife up ; if he takes care to thrash her with closed doors, so as not to disturb the public,—the public will not disturb

* *Beaumanoir*, title 57.

† *Idem*.

him in the exercise of his right. The very title of husband, indeed, would serve him for an excuse. And so it often happens that ploughmen and mechanics, training their conscience by the law, beat their wives on principle, in order to break them. A carter, showing his whip, said, "See here, my family peace-maker!" "You surely do not strike your wife?" said some one. "To be sure I do." "But you have no right to strike her." "Why not? when my horse will not go, I beat him." "But your wife is not to be compared with your horse." "No, faith, for she is more stubborn than he." "What should you care for her stubbornness? It is mean to be furious at a woman." "Ah, sir! I beat her, but I do not get angry with her."

No pedant could have expressed himself better. Would to God this portrait might serve for all the working classes; but with many of them wife-beating is a relaxation, or a vent for their wrath. A laborer is drunk—he beats his wife; another is out of work—he beats his wife; a third has been beaten, and he beats his wife. I have seen a poor creature, the wife of a porter, who bore on her person the marks of her husband's shoe-nails. During her pregnancy, he had so cruelly dragged her by the hair across the sandstone rocks at Fontainebleau, that she was delivered of a foolish, dumb child, disfigured by convulsions; and for six months afterwards, whenever the little idiot heard the man's voice, it trembled in its mother's arms, as though it recognised the fierce tones of him who had struck it with fear, and almost with death, while yet it lay in the womb. Ah well! that man thought himself quite guiltless; he would not perhaps have beaten any other woman but *his own*! It was his right as proprietor—he construed the silence of the law as a free indulgence.

Next to the husband's power over the person of his wife, comes his power over her actions. Peasants say, with touching pathos, "Where the sun shines, the moon has no strength;" that is the popular translation of the opinions of our legislators. Bonaparte declared, in these express terms, to the

Council of State,* “A husband should have absolute control over the actions of his wife.” He has the right to say to her, “Madame, you shall not go out; madame, you shall not go to the play; madame, you shall not see such and such a person;”—that is to say, “You shall belong to me, madame, body and soul.”

The Code defined its system thus: “The husband may compel the wife to follow him, whithersoever it pleases him to go, and to live where he lives.” So the caprice of the husband may tear the wife away from her country, from all the ties of kindred? No matter for that; the master calls, and she must follow. The air of a new country is injurious to her, even fatal; no matter for that either. Says Pothier, a true lawyer according to the civil code,† “A woman may offer nothing by way of objection to the husband’s command. She may not even object that the air of the place to which he would take her will not agree with her health, or that there are contagious diseases there.”

A ruling mind is certainly necessary in a household. If the ordinary affairs of life were subject to the conflict of two different wills: if, when the husband wishes to remain in Paris, the wife would, and could, take up her abode in London, what would become of the family, and the children, while they waited for one of the powers to yield? But there is a wide difference between necessary authority and absolute authority. The husband should have the directing power, but it should be limited, defined, and, above all, controlled. Now, no autocrat is so omnipotent for evil as a cruel husband with the code in his hand. He violates law by the law itself. Let us suppose that a man has a mistress, and that he wishes to install her in his own house, in spite of the law. What does he do? If she is of the lower orders, he brings her there as his housekeeper; if of better position, as a governess for his children. Will his wife, who well knows all, but has no proofs, oppose

* Thibeaudeau, *Mémoire sur le Consulat*.

† Pothier, *Traité sur le Contrat de Mariage*, v. ii. p. 248.

him? "You are as nothing in this house," he tells her. Her father, indignant, protests in the name of his daughter's honor and happiness. "You have no authority over your daughter." Her mother, distracted, would tear her from the house, or share it with her. But he will not have that; "I neither wish her to follow you, nor you to dwell with her." What can the wife do? Demand a divorce on account of cruelty and grievous wrongs? Ah! but if she dare not, cannot, will not ask it! If she herself will not consent to her *disgrace*! If the legislator has clothed the husband with a final power which compels her to consent to it! Yes, there is a mystery of grief before which reason itself recoils.

A woman* was thus found, in her own house, between her husband and her rival. For several months she had borne it all; at first from shame of spreading her misfortunes before the eyes of the public, and then in a spirit of Christian submission, and finally with a vestige of tenderness; for women sometimes wear a crown of sorrow, that they cannot tear from their hearts—that mad love for the man who has outraged them. One morning, an old family servant came to her, his eyes full of tears. "What is the matter?" "I dare not tell you, madame." "Speak." "Madame," he said, in half-stifled tones, "I come to ask for the keys of the pantry and cellar. My master has forbidden me to take your orders for the future; another is to rule here." With this crowning insult, the wife lost all her resignation. To be humbled thus even in the eyes of her own servants! the direction of her household taken from her, as from a faithless wife!—Rushing to the chamber of her husband's mistress, with all the authority that innocence and justice give, she said, "Leave! leave this house, I command you!" Her rival turned pale, and immediately departed. But what was the result? In half an hour, the lawful wife is on her knees to the concubine, imploring her forgiveness, and beseeching her with tears to remain—to remain and be mistress of the house. Such baseness seems

* *Gazette des Tribunaux*, Affaire Thiébault.

indeed revolting; but ah! where is the woman who, being a mother, would not have done the same? Read on, and judge for yourself: the husband, on learning of the rupture, went to his wife, and said, "According to law, the parental authority rests solely in my hands. Now, if you do not this moment go and beg pardon of her whom you have insulted—if you do not induce her to remain, I will send your child to the colonies, and you shall never see him again."

Oh! from the bottom of my heart, I say: the country where the law permits such barbarity,—where a man may, in the name of the law, so degrade and torture his wife, torn by a mother's love—that country is indeed dishonored, if it does not reform such a code.

It may be said, that a man must be a monster to indulge in such excesses of power, and that the law is not made for monsters. Who, then, is it made for? For angels, perhaps! I have always understood that commercial law presupposed knaves; and why should not the marriage laws presuppose despotic husbands? By what right do we put into a man's hands a dangerous and deadly weapon, and say, "He would be a monster to make use of it." I will go further, and say, he is not necessarily a monster; he must be even more than man, to refuse, on all occasions, not the barbarous despotism—(only a monster is capable of that),—but the absolute authority, with which the law clothes him. The laws do so impress upon the husband the idea of his own superiority—they so effectually teach him to regard himself as the only important personage in the household, that he takes his selfishness for justice, and his will for reason. One of the most honorable men I am acquainted with—one day, when his young wife reproached him for denying her all enjoyments, and appropriating his fortune to the gratification of his own antiquarian tastes, replied: "What would you have, my dear? In every good household some one must be sacrificed, and it is only fair that it should be the wife."

By way of excuse for such injustice, we find ready a sophism and a principle. Here is the sophistry :

“A code may, without doubt, be termed a general expression of manners. But very frequently manners contradict the code. How many institutions, how many acts are there, outside and independent of the laws ? The laws resemble a stack of briars placed across the road to bar the way. Do they stop the travellers ? Not at all ; some trample the obstacle under foot, and break it ; others push it aside a little, and pass round it ; but the greater number leap clear over it : and so it is with the destiny of women. The conjugal laws proclaim the obedience of the wife ; but where is there one who obeys her husband ? At first, no doubt, she does, in word, always ; but does she in reality ? Whoever maintains that she does, slanders her ; and to erase from the code that terrible sentence, would be to take from women the best part of their life. What pleasure more lively, indeed, or more flattering to a woman’s finesse, than to be called a slave and know herself a mistress ? for it is the domination of mind over matter—a power impalpable, indiscernible, and so much the more to be desired. Our ruder masculine empire is founded on ponderous and imposing principles ; but wherein resides the power of woman ? You can no more assign a place to it than to the soul itself. It is in a look, an act, an intonation, in all that is most delicate in the human organization. Proclaim the woman equal to the man, and her struggle would cease, and with the struggle all the joys of victory : she would become as tedious as a crowned queen.

“A delightful creature is woman, who, because she can do nothing, does everything ; and the fable of the lion in love should be regarded as a libel upon her. Cut off the lion’s claws, pull out his teeth, and she would studiously avoid him. He must be roaring and wrathful ; his bristling mane must be erect and tossing like the waves of the sea ; his frightful jaws must be distended and fierce for slaughter—so that a little white tender hand may caress its mane and smoothe it down, may play with its claws, and sheathe them, and make

the furious beast lie down like a dog that would be petted. Fine lion! did he think himself king of beasts?

“The wife does not even need to be loved by her husband in order to govern him; it is enough if she discover some merit that he thinks he has; and that is easy—we always believe ourselves possessed of at least two. Thus the balance is adjusted, and the seeming masters are, in reality, managed by adroit stratagems, skilful flatteries, and caresses cunningly bestowed.”

We have but one answer for this: it is strictly true. Yes; artful, manœuvring, well-timed caresses do restore to women a part of the power that we take from them; and that is why they should have at least a measure of freedom. For what, in truth, is this conquered power but deceit, and a mere trade in tenderness? In this way, all things become false in certain women—their tones, their tears, their very anger. Losing even the outside shows of honor, we see them bargaining with tradesmen, making their servants their accomplices, in order to deceive and to conceal, gratifying their coquetry by their dishonesty. God made woman refined; you make her false. God made her insinuating; you make her artificial. Such a woman as society most admires is a monster.

Away, then, with the laws that offend against morality, and with the morality that corrupts the laws! Let us restore to woman her freedom, since liberty is truth. So shall we free man by the same act; for slavery always makes two slaves—the one who holds the chain, and the one who wears it; and the world compels the husband to pay for his privileges by penalties harsher than the restrictions of his wife.

Every day, in fact, an inexplicable and unreasonable thing happens before our eyes. Almost all kinds of treachery invoke the public sympathy and pity for the one who is wronged: A man is duped by his friend, and we pity him. A father is deceived by his daughter, and we weep with him; but let a husband be betrayed by his wife, and we laugh. To the man the wrong may be worse than death itself, and his despairing heart may fairly bleed; still we laugh. But this kind of misfor-

tune is termed dishonor, and, by a strange public sentiment, the sin of the guilty becomes the shame of the innocent. No matter—we laugh at that; and such is the overwhelming force of the ridicule, that to check it the husband must either kill or be killed.

Whence this cruel contradiction? Is it the offspring of that human malignity which rejoices in the wretchedness of others? No, for no other misfortune excites such emotions of ridicule. Its cause is stronger, deeper; it springs from the marital autocracy. The man has plenary power from the law. He may bar the windows, bolt the doors; but Bartholo comes, and with him *Comedy*. The more keys in the girdle, the more piquant the captive's escape. The husband is ridiculous, as a deceived and baffled jailor is ridiculous, because, as an imprisoned victim, the wife is a helpless object of sympathy.

If you would take all the comedy out of the character, open the doors.

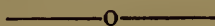
Open the doors, and immediately the guilty wife falls under the public scorn: open the doors, and at once the husband assumes the aspect of a man of spirit betrayed; and so that revolting prejudice disappears, which place some man's reputation at another's mercy. Can it be, that a man may live twenty years devoted to goodness—may serve his country with his pen or sword—may pass unscathed through the hard trials of a life of toil; and because an ungrateful woman, whom he in his tenderness has rescued from the depths of poverty, forgets all his kindness, and defiles herself, this good man is dishonored? Ah! give us air, free air, to purify Home from such foul injustice! Let us make woman responsible for her faults, let man have the care of his own honor, and let liberty be justice for both!

May this enfranchisement, this independence, be absolute? Certainly not; for such freedom would be the ruin of the family. We repeat, a ruling but restricted power is essential.

The legitimate defenders of the principle of authority (they who oppose all reforms) may then cease to be alarmed;

for, far from impairing the established authority, the object is to render it more just, more salutary, more constitutional, and consequently stronger, by control.

Every restraint is the safeguard of the law it limits. Therefore, above the marital power over the actions of the wife, let us institute an inspecting and protecting Family Council, which, convoked judiciously, and only for important cases, and animated by motives of affection, would present none of the irritating and dangerous publicity of the public courts; while it would patiently consider those details which must perforce be overlooked in formal courts of justice. The wife, feeling herself protected, would have less inclination to revolt; the husband, knowing that he was watched, would be less arbitrary and exacting. Both would gain in morality, as well as in happiness; and the mere creation of such a tribunal would perhaps suffice to prevent most of the abuses which called for it.



CHAPTER IV.

THE SIN OF THE WIFE AND OF THE HUSBAND.

WOMAN owes an incalculable debt to Christianity, for it has made her a new being. The woman of the Old Testament appears only as a part of Adam—she is of him, because she is from him; but the Christian woman is of Jesus Christ: she is formed of his flesh and his divine person, as Saint Paul says;* and therefore no fundamental inequalities remain, since God, if we may so speak, has recreated her in his Son. In vain, does the apostle say farther on,† that “The husband is the head of the wife.” A principle is stronger than he who states

* Saint Paul's Epis. to the Ephesians.

† St. Paul to Timothy.

it. Having once united the husband and wife in the person of Christ, he is no longer at liberty to make one of them inferior; he has absolutely placed them on the same level, by making both divine. Nothing proves this more clearly than the Christian teaching on adultery. In the Old Testament, the Indian laws, and all the ancient codes, the term adultery ever has but one signification, *the crime of the wife*; and the religious repressions, instructions, and judicial condemnations have always but one object—the punishment of the wife. As to the adultery of the husband, it is hardly named, much less punished. And this is easy to understand; the adultery of the husband, the lord and master, was a fault that concerned only himself—or at most, the father or husband of his paramour; but he failed in no obligation to his wife, because he owed her none. Among the Jews, the guilty woman was stoned, and one witness sufficed to convict her. We all remember the story of Susannah, that fearful chapter in the history of adultery. When the two old men, repulsed by the chaste wife, said to her, “We will bear witness against thee, that a young man was with thee,” that woman, distinguished as she was for her purity, did not reply, “The record of my life will prevail against your testimony;” that child of a people that adored the God of justice did not say, “You must prove your charge, and convict me of the crime whereof you accuse me;” nor did she, whose husband was a man of authority among the Jews, exclaim, “His power will protect me.” No, she answered nothing.

There is a witness against her; she feels that she is lost, and so she is. The judges call the people together, and summon the victim before them. She appears, accompanied by her father and mother, her children and relatives. All her kindred weep, all who have known her, and all her servants, for they have never heard her so accused before. But no one thinks of defending her—“there is a witness.” Her husband stays away, as though convinced by the accusation alone. “Kneel!” say the two elders to her, extending, according to custom,

their hands above her head. She prostrates herself without a word, without even attempting a prayer, merely raising her upturned eyes to heaven. "This woman," they say, "has committed adultery in her garden with a young man. We are the witnesses."

But this is only the opening of the trial. Of course to conduct it regularly, they call in the servants, seek for the young man, explore the garden-walks to find his footsteps, examine the neighbors, if any have seen him, and question the two elders as to his looks and the manner of his escape? No, the conclusion is speedy: the whole assembly believe the elders—old men as they are, and judges—and condemn the woman to death. Nothing can save her, but an almost divine interposition—the appearance and appeal of the young Daniel, speaking as a prophet.

Among the Celts, when a husband suspected that the child of his wife was not his own, he laid the infant in a shield and launched it on the Rhine. If the child was drowned, the wife was put to death. The cradle floated, the mother waited, and the Rhine decided. But for the adulterous husband there was no penalty.

At Rome, the suspected woman was dragged before the domestic tribunal, and executed by the parents themselves: "Cognati necanto uti volent," says the terrible law of the Twelve Tables, "the relatives may slay as they wish." And next day there was nothing to tell of the dark tragedy, but the absence of the woman, who was never to be seen again.

Such was the fear inspired by this custom, that though annulled, it brooded for ever, a fearful menace, over the republic. As soon as the public morals seemed in peril, this bloody weapon was drawn from the arsenal of the old laws, and before the eyes of the woman gleamed the sword of the domestic judge.* It was a proclamation of dictatorship.

* Montesquieu, *Esprit des Lois*, Book vii. On the Domestic Tribunal. When Tiberius wished to punish a Roman lady beyond the limit permitted by the Julian law, he re-established against her the domestic tribunal.

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They even denounced the husband who did not punish his wife, and compelled him, by a heavy penalty, to condemn her. The Athenian law* punished with civil degradation the indulgent husband who concealed the crime of his wife; and he who surprised her with her paramour, might not only punish her on the instant, but with deliberate purpose, might assemble witnesses, and put her to death in their presence. Death! was the cry that the law-makers raised against the sinful woman. In some cases expelled with a whip from the conjugal roof, and chased naked through the town;† in others, exposed on a pillar in the public square,‡ and led upon an ass through the streets: on all sides curses and bloody words were flung at her for a fault which the law hardly forbade her husband to commit.

But hark! in the midst of this universal execration, we hear the divine sentence of the new law, "Let him who is without sin among you, cast the first stone."

Jesus Christ appears, and the woman is saved. Kneeling at the feet of her unexpected defender, she beholds with astonishment the upraised stones fall from threatening hands. The words of wrath subside; the executioners depart; the gentle voice has conquered. It was but a word, and yet a revolution. Jesus Christ does not absolve one crime, he attacks another; he does not justify the guilty, he accuses the executioners. And is not this an attack upon the man's impunity? The inheritors of His spirit, the first Fathers of the Church, demand that the husband's adultery shall be punished. "With us," cries the great Saint Jerome,§ "what is commanded of woman is commanded of man; the laws of Jesus Christ and the laws of emperors are not the same." Saint Paul and Papinian do not teach the same things. The

* Demosthenes for Néera (*Revue de Legislation*, Oct. 1845).

† Accisis crinibus nudatam coram propinquis expellit domo maritus, ac per omnem vicum verberare agit. Tacitus, *Manners of the Germans*.

‡ Plutarch, *Roman Questions*.

§ Saint Jerome, *Life of Saint Fabiola*.

latter gives loose reins to the unchastity of men, and condemns only the adulterer with a married woman. But among Christians not so; if a husband may repudiate his wife for adultery, a woman may leave her husband for the same crime. In equal conditions obligations are equal."

Equal! Here then was the word, pronounced for the first time in the history of the world, which was to raise up the penitent Eve of the Bible, the dissolute Eve of Asia, the degraded Eve of Rome. The wife is elevated to her proper rank, and the husband is deposed from his usurped impunity; or rather, marriage itself is presented to the world in a new and sublime character—an equality of duties.

Unfortunately, this purely Christian doctrine was lost in the succeeding centuries; the feudal system, the middle ages, the modern world, all reverted to pagan cruelty and injustice. Primitive Christianity, in order to judge a crime, rose above its accidental consequences, and punished both adulterers with an equal penalty, because both are equal by a violation of contract. Each succeeding age failed to take the moral quality of an action as the measure of its value: feudal pride, with its prejudices, ambitious of perpetuation, and the vanity of the nobility with their pride of birth, both with a secret contempt for women, struck only at the wife's adultery, because they saw in her crime the ruin of their hopes, or an insult to the sovereignty of the male. Adultery, says the best abstract writer of the canonical law* of the middle ages, may be thus defined: "*Violatio alieni tori*,"—seduction of another man's wife. "Consequently, the husband is not an adulterer," continues the work from which I translate, "if the companion of his crime is an unmarried woman; and if she is married, the adultery of the married man is not that he abandons his own wife, but that he corrupts another's."

The application is in accordance with the principle. For the guilty husband, impunity; for the wife, life-long imprison-

* *Summa cardinalis Hostiensis*, Book v., *De Adulteriis*.

ment in a convent; and if she is taken in the act, the husband may call in his son, and require him to assist in the murder of his mother. What would Jesus have said to such a law?

And the present law repudiates no less decidedly in effect the doctrine of Christianity. Occupied exclusively with "public order," it establishes not only unequal penalties for the two crimes—a just inequality, for the two faults are unequal—but impunity for the husband, which is unjust. What is the result? By too much concern for order, order itself has been sacrificed.

Three articles embrace all the legislation on this point:—

1. The murder of the wife as well as of her paramour by the husband, at the moment when he surprises them in the very act, in his own home, is justifiable.*

However violent such a proposition may seem in this nineteenth century, let us accept it. We must sympathize with the despair, the wounded pride, the ulcerated heart, and justify that word "justifiable." But the wife, so sensitive and so passionate, what are her rights? She has none. Now, in such a case, the silence of the law condemns; so, the distracted woman, who should strike at her husband and her rival, would be punished as a homicide.

2. "A woman convicted of adultery shall suffer imprisonment, for not less than three months, nor more than two years.†" Justice can find nothing to censure in this law, but its mildness. Imprisonment for three months never can, for two years may not always, suffice to punish the crime of adultery. Due regard for public morality and the purity of home should occupy so large a share of the legislator's thought, that, so far from shielding the guilty woman from the blow of justice, he should make the blow more terrible. But the husband, the husband? His adultery does not constitute a fault, in itself alone. To be criminal he must maintain his concubine‡ in his own house. Observe that word "main-

* Penal Code, 324

† Penal Code, 337.

‡ Penal Code, 339.

tain;" the law does not say bring, or introduce, but "maintain;" that is to say, "install," "lodge;" for anything less than this he has complete absolution. All that the law requires of him is that he shall take his mistress home at the stroke of the curfew-bell. By way of compensation, however, we must say, that if he boldly and insolently establishes her in the bosom of his family, the indignation of the law bursts forth at once, and the husband guilty of such a crime is punished with a fine of from one hundred to two thousand francs.* To appreciate such a judgment, let us rise for a moment above the material spirit of the law, and closing our ears to the empty railleries of the world, which, with its usual kindness, striking only where the law has struck, honors the pardoned criminal, let us look to our conscience, and ask whether before God, and our own hearts, and society itself, such an abyss separates the crime of the husband from the crime of the wife, that they must be set as far apart as absolution and anathema.

The wife's crime is worse than the husband's—no doubt of that; for not only may her offence introduce strangers into the family, rob her own children of a part of their inheritance, and break the heart of an honest man, who is forced to doubt, if he ought not to hate, those whom he adored the day before; but besides these fatal consequences, the wife is the more criminal, because she believes and knows herself to be so. The more obstacles we surmount in order to commit a crime, the greater that crime. Now the admonitions of her mother, the precepts of her religion, all the teachings of her life have taught her that adultery is the most ulcerous of stains. Her crime, therefore, is increased by all that separated her from it. Unchastity degrades a woman even more than dishonesty degrades a man.

* Penal Code, 339. "The husband, who shall have maintained a concubine in the abode of his family, and who shall be convicted of it, on the complaint of his wife, shall be fined from one hundred to two thousand francs."

But these severe considerations acknowledged, let us examine the adultery of the husband, and see if it is as the law and the world proclaim it. I will not speak of the principle involved, of the plighted faith; although to tell the truth, I am at a loss to understand how it can be dishonorable to break one's promise to a man, and honorable to break it to a woman. But we will skip what are called the loftiest sentiments of honor, and begin with what are regarded in the world and the law as questions of fact and figures. Now, how various are the actual disasters that result from the husband's adultery! Why, it is absolute ruin to the homes of the lower classes. If a married laborer keeps a mistress, he almost always has two establishments, while he earns hardly enough to support one. So one of the two must starve. Which? the illegitimate? Never. A licentious workman of the better class, brings to his wife a fourth half ~~of~~ of his pay, and then goes off for five or six days, to squander the rest with his concubine; and so a family destroyed, paupers multiplied, the proportion of natural children increased. Hence, in short, idleness, theft, and all manner of offences against public safety.

In rich families, the evil of the husband's sin is sometimes less apparent, but it is not less real. It disturbs the whole internal peace. The wife, when she has been guilty, often redoubles her care and attentions—at first, from a necessary hypocrisy; and afterwards, in some cases, from a desire of atonement, very natural to the heart of a woman. The guilty husband, on the contrary, is often coarse and brutal. The adulteress wastes little, having nothing; the adulterer having everything, squanders the family fortunes. Seek at the bottom of nearly all the failures, all the rash speculations, and you will find there the husband's adultery. It is, indeed, necessary that this title of married man, which is almost always disagreeable, should be overlooked; and for that he must pay.

Finally, the husband's dissipation produces immorality in

the wife. Is it nothing, think you, for a woman of spirit, to hear herself addressed with the very words which perhaps an hour before served for some vile creature, to feel the lips soiled on twenty impure faces pressed to hers, and know that her husband, treacherous in his very shows of tenderness, embraces the image of his mistress, even in the arms of his wife? Disgust, rage, take possession of her heart; all her ideas of good and evil are confounded. She says to herself, "I am a fool to enslave myself to virtue, when such is its reward." And so demoralization gains a foothold in the household of him who should be its head and its guide.

Such are the results. Suppose now, we consider the character and circumstances of the two sins? The husband is guilty only when he wishes to be; his sin does not come to meet him, he must go to it. Neither entreaties nor violence prevail over him. On the contrary, seduction pursues the wife everywhere. It forces her doors, it bribes her servants, it hides in a letter or flower. When she goes to the theatre, there is he whom she shuns, and who pursues her. Everything is against her—her age, her indolent life, her too credulous mind, even her more affectionate heart.

Since love is excluded from marriage, since our customs afford the spectacle of a girl of eighteen, full of ardor and of soul, seeking in her husband only a calm and paternal affection, why should we be astonished that when she hears the language of passion from the lips of a man, young like herself, she forgets herself and is lost?

Alas! the very idea of being lost sometimes acts upon her like a new charm. We know not—or rather we know too well—what a strange fascination for passionate natures hides in the very reflection that should repel them; "I am dishonored if I yield." Such a woman falls, because to fall is to sacrifice herself. I know no husband who can plead that excuse. What allures the licentious man? Is it inexperience? He is too old not to know what he is doing. Is it passion? He has loved too much to love so fiercely still. No; what hurries

him on most of the time, is his corrupt heart. Of ten men, thirty-five years old, who shall say to a woman, I love you, perhaps not one truly loves her. To be sure, we all know, women also deceive. But they deceive to conceal what they do feel, men to affect what they do not.

But let me stop. God grant that in pursuing this parable, we may not be led to justify the guilty woman; but the example of Christ shows us, that when we find ourselves in the presence of two criminals, one of whom is pardoned, and the other condemned, our indignation at the escape of the one is lost, in spite of ourselves, in pity for the other. So, in the very name of that just severity which should overtake the wife, I pray you, do not absolve him who has no better reason for his perjury than his own depravity! The absolute, invariable, and *theoretical* pardon of the husband's adultery is one of the most scandalous things in our courts of justice. Why, a divorce exposes to our eyes the interior of a family; it shows us the most inhuman depravities in the master of the house; mistresses brought under the conjugal roof, the fortune of the family squandered, cruel treatment joined to desertion. And the man himself insolently acknowledges his cruelty and crime in the face of the whole court; and his trial concluded, we see him dismissed with no worse punishment than an admonition from the judge. He is left to the reproaches of his own conscience! Such impunity not merely threatens public order; it is an insult to public morality—a lesson in debauchery taught by the law itself.

A recent case reveals the depth of the evil. On the 26th of June, 1847 (*Gazette des Tribunaux*), there appeared before the correctional police, Madame Mesnager, aged 31, her husband, and M. Sombret.

The President. "Mesnager, do you persist in the charge you have brought against your wife?" *Mesnager.* "I do persist in it! I believe it—mad as it makes me." *President.* "The repentance evinced by your wife, as well as the wrongs she has suffered at your hands, would perhaps justify a milder

course." *Mesnager*. "The repentance is sham, as everybody knows; as for the wrongs, I don't believe in them at all."

President. "Mme. Mesnager, stand up." (The accused rises, her two children take hold of her dress on each side, and press close to their mother, whose grief they seem to understand and share.)

President. "You confess the crime of adultery imputed to you, do you not? What could thus render you unfaithful to your duties?" *Mme. Mesnager*.

"O sir, if you only knew how wretched I was!" *President*.

"That is no excuse; you were a mother, you should have thought of your children." *Mme. Mesnager*.

"It was in truth my love for my children which made me guilty. If I could have suffered alone, I would have been resigned."

President. "Explain yourself. Did your husband treat your children harshly?" *Mme. Mesnager*.

"Oh yes! sir. My husband, who earns over ten francs a day, would not give me a sou, either for myself or my poor children. He went away directly after breakfast to the café, returned at noon to sleep,

went out again to dinner, and did not return till midnight. Very often my children and myself had nothing to eat. I worked harder than I ought, to support them; but I earned very little, and was not always paid. When I asked my husband for money to buy bread for the children, he answered like a brute: 'You gave them birth, you must support them.'

One morning the poor little things were weeping and screaming; they had eaten nothing for eighty hours. Their cries awoke my husband, who became frightfully angry, and told me that if I did not keep them still, he would whip them.

'How can I keep them still?' I answered, 'they are suffering, dying of hunger.' Then he took from his pocket a few sous, and threw them in their faces, saying, 'Here, you gluttons; and no more of that screeching, or I will thrash you soundly.'

There were seven sous; with these I bought a little bread and some milk, and my poor children had something to eat. I tasted nothing. There was none too much for them, and I would not stint their share."

President.

“Under these circumstances you made the acquaintance of M. Sombret?” *Mme. Mesnager*. “Yes, sir. M. Sombret lived in our house; he saw that I was often sad, and my eyes red; he heard my children cry, he observed my husband’s conduct, and he came sometimes to my assistance. I was very thankful to him for giving my children bread when their father refused it.” *President*. “Your gratitude was natural; but did you not carry it so far as to forget your obligations?” *Mme. Mesnager*. “That would never have happened, if my husband had not turned me out of doors. One day he came home half drunk, and told me he was tired of always having a moping wife and crying children about him. And giving me twenty-five francs he sent me away, saying he never wanted to hear either of me or my children again. These twenty-five francs, as you know very well, could not last long; and then M. Sombret proposed that I should keep house for him, telling me that he loved my children, as though they were his own. I agreed joyfully—and then I don’t know how it happened.” The poor woman could not go on, her tears finished the sentence.

M. Sombret testifies that what *Mme. Mesnager* has just said is strictly true, and he has nothing to add. *President*. (To the husband.) “M. Mesnager, your conduct to your wife has been most infamous.” *Mesnager*. “Pardieu! If that is the way you are going to believe all she may chatter about—” *President*. “Witnesses have testified to your treatment of your wife.” *Mesnager*. “Witnesses are easily procured.” *President*. “Silence!”—The court deliberates. Here are the adultery of the husband, and the adultery of the wife, together; for *Mesnager* has a mistress and illegitimate children; what is the verdict? In consideration of the extenuating circumstances, *Mme. Mesnager* and Sombret are condemned to only eight days imprisonment.”

The sentence is merciful as well as just. But the husband? No punishment for that wretch; none at all! No punishment for the husband who deserts his wife! none for the father who deserts his children! none for the adulterer who, himself,

forces his wife into adultery! The law clothes the judge with no authority to punish his frightful crimes; and a court must hear such words, and authenticate such facts, without power to lift a finger against them. Ah! away with so vile a model of marriage! In the name of justice, we have inscribed upon it the word Liberty; in the name of honor, let us inscribe upon it words more sacred still—moral purity, and respect for an oath!

CHAPTER V.

THE IDEAL OF MARRIAGE.

IF the wishes we have so far expressed on behalf of the wife were suddenly realized; if new laws for the regulation of domestic matters allowed her a fair share in the management of her own business; and if the husband's power over her person, reduced to a just limit, should leave to the weakest her habeas corpus—if, in short, the husband's adultery were punished as well as the wife's, would marriage be all that pure souls believe and call it? Evidently not. These ameliorations, important as we deem them, but establish the right of each to *separate*. Now we must unite them. After having defined the two terms, we must blend them into one; for what is marriage but, as we have said before, *Juris humani et divini communicatio*? which, translated in simple and expressive words, means a school for mutual improvement.

Enter a church, and assist in a marriage ceremony; and what is your first thought on seeing those two persons advancing to the altar? Just this: will they corrupt or improve each other? The Indian law, in its poetical language, says: "A drop of salt water in a cup of fresh imparts its flavor to the

whole ; a river flowing into the ocean itself becomes ocean ; a woman marrying a man grows into his image." This is true of the husband as well as of the wife. In the beginning of the union, the forming power is wholly in the hands of the husband. God sends this young soul to him that he may perfect himself by the love which he inspires, as she herself by the love she feels. It is by purifying himself, so to speak, with the purity of his wife, that he is to guide and elevate her, until having attained womanhood, with all the womanly virtues, and become a guide in her turn, she returns in salutary influences, in counsel, in happiness, all that innate goodness which he has succeeded in preserving. Plutarch charmingly says in his letter to Pollianus : " My friend, the nuptial chamber should be a school of honor and of knowledge. Adorn your mind then with all learning, by associating with those who may be useful to you. Gather on all sides for your wife, like the bees—bringing her yourself, and in yourself all that may enrich her. Converse with her, and make her familiar with the best books and the most profitable themes you can find. For you are now, as it were, her father and mother ; and it is not less honorable in a wife to say to her husband, ' Thou art my king and my master in all beautiful knowledge,' than to call him ' my well-beloved.' " " But," adds the philosopher, " as there are men so awkward that they cannot mount their horses when they stand erect, but must teach them to kneel ; so there are husbands, who, marrying noble women, of high birth, do not strive to render them more honorable and more worthy, but, on the contrary, prefer to degrade them ; when, in truth, it is as necessary to maintain the dignity of the wife as the full stature of the horse."* Do not Plutarch's words apply to more than one husband of our day ? A young girl comes to him with a heart open and frank, ignorant of the ways of the world, waiting till he has spoken before she thinks for herself. What does he

* Plutarch's *Marriage Precepts*.

do? Instead of receiving this pure flame, and gently feeding it with oil to keep it alive, he breathes rudely upon it, and it goes out. Madman, to throw away the torch which was to give him light! Nature distils for us only drop by drop, year by year, as a potent remedy indeed, that dangerous draught called experience; but husbands force it, all at once, upon the young soul, like poison. The wife believes in devotion; they laugh at that. She speaks of self-denial, of sacrifice; they sneer. The husband's mission is to mould her; whence then this unreasonableness? From the fact that the world as yet but imperfectly understands the idea of marriage, and the character of the wife. Let us try then, in order to portray it more clearly to all eyes, to follow in the history of the world the gradual formation of this ideal.

The beginning was terrible; for what is the first picture of the wife? Eve, Eve the temptress; and the words of the Hebrew lawgiver declare her humble and painful office. "Thy husband shall rule thee; thy desires shall be subject to thy husband; thou shalt bring forth in pain." Three clauses, three curses: and, marked with this fatal seal, the wretched creature goes forth into life, to suffer, to serve, to beguile, to produce.

Such in her completeness is the oriental woman—a slave, a concubine, a child-bearer. From the creation to the Patriarchs, the duty and the glory of a wife could be summed up almost in one word—To produce. The world was not yet peopled—she must bear children; and, concentrating all the strength of her heart upon the only object left to her, she seems to have no other desire, no other aim. Nothing more conclusively supports this view of the case than the story of Rachel and Leah. Jacob loved Rachel, for he had labored twice seven years to win her. She was the wife of his choice, and he had married Leah only from policy. But Leah is fruitful, and she takes the higher place. Rachel, in her jealous rage, runs to Jacob and cries, "Give me children or I die." But he, angrily repelling her, says, "Am I in God's

stead, who hath withheld from thee the fruit of thy womb ?” * And so he departs. Then, Rachel, calling to her aid the strangest device, summons her young and beautiful handmaid, Billah, and leading her to Jacob, says, “Go in unto her, and she shall bear upon my knees, that I also may have children, by her.” Jacob accepts; Billah conceives; Rachel triumphs. But Leah, hearing of this, solicits Jacob to be with her a second time, and her second son is born—the glory is hers. “Yet will I prevail,” cries the distracted Rachel; and again bringing her servant Billah to Jacob, and getting a second child, a sort of triumphant joy seizes her, and she sings in her pride, “With great wrestling have I wrestled with my sister, and I have prevailed.” And this was the general quarrel—this struggle for the honors of child-birth—this love of maternity, without maternal love—this passion for having children, not for the child’s sake, but for the wife’s—these hateful rivalries—this identification of the wife with the servant—under the accomplishment of one of the most touching duties a seeming curse; and so the first curse was fulfilled.

The second is still more dishonoring. “Thy desire shall be unto thy husband,” Moses had said; the decree is accomplished. Intoxicated with the luxurious nature of the East, inflamed with sensual passions by an air all laden with perfumes, abandoned by her very idleness to all the delirium of desire, the wife aspires continually toward her husband and master. From the Red Sea to the Himmalaya, the fire of concupiscence falls upon all the eastern world like the sulphurous rain upon Sodom. “Woman,” cries the Indian law-giver, “asks not whether a man is young, or handsome, or crippled; he is a man—that is enough. For the sea is never sated with rivers, nor fire with wood, nor the dead with life, nor woman with men.”

Menu says: “God has made woman naturally perverse, amorous of her bed, of her *chair*, of adornments—unrestrained

* Genesis, xxx.

in her passions.”* And he concludes his invective with a passage surpassing all the rest: “Mothers with families envy the courtezans who live in prostitution.” Such is the language of a code of laws! Consequently marriage becomes a mere yoking together of two wretches, condemned to be each other’s tormentors; for the wife is not only the husband’s concubine, she is also his slave. She is his as a chattel, a movable chattel, to be coveted, to be jealous of; and so keeping alive in him all the anxieties of property. He must watch her—his honor as well as his *passion* depends on that. So the master is given up to all the anxious suspicions of the jailer. “How to guard women,”† is the title of one of the longest chapters in the Indian law, containing not less than eighty pages. “A wife,” says Nareda, “remains faithful to her husband neither from respect for the moral law, nor for severe reprimands, nor from concern for her fortune, nor consideration for her family, nor from good treatment; but solely from terror of blows and imprisonment. For nothing, neither wind, nor death, nor the lower regions, nor the cutting of a razor, nor poison, nor serpents, nor all united, are so wicked as a woman.”‡ Then comes the half-hideous, half-comical despair which paints in fearful colors this monstrous state of despotism on the one side and slavery on the other, in what should be relations of tenderness. The man curses the beings he is condemned to possess and love; and yet the fire of his physical instincts, and his passion for property increasing with his anger, the Oriental multiplies, as it were in spite of himself, the number of his wives. The patriarchs had two or three. David married four at first, afterwards ten.§ The harem began with the Jews—that monstrous institution, borrowed from Babylon. Very soon the wife fell a step lower; she became less than a productive machine, as under the patriarchs—less than an instrument of pleasure, as in India. She became a mere thing, like the utensils or the

* Digest of Hindu Law, v. 2.

† Ibid. 28, 29—Menu B. 9.

‡ Ibid.

§ Kings.

flocks, and had but a collective value. Just as a rich man, in his pride of wealth, buys lands that he may never visit, and jewels he may never look at—only that it may be said, “he has so many precious things, so many acres of land,” so the Jewish kings added to their number of wives, to display their opulence and power in novel forms, which their wives represented. Solomon had seven hundred.*

Imagine, if you can, the torture the despair, locked up in that harem. Picture to yourself what seven hundred unhappy creatures, under an eastern sky, in a life all of luxury and indolence, among balmy gardens, surrounded by every charm of dress, with the daintiest of food, that voluptuous organization—picture to yourself what they must have suffered, abandoned to one insatiable passion.

Such is the harem—that is, in the abodes of princes and opulent men. Humbler roofs at least afford a more tolerable asylum to the wife. You think there she has a place and a rank? No; all things remind us of her dependence and inferiority. The Indian woman may not remain seated while her husband is standing, nor can she taste food except after him, and with his permission, nor enter the conjugal chamber without first saluting the feet of her master.†

Such was the starting-point of marriage in the world. Such the poor, contemned, depraved and fettered child, that the East bequeathed to Western civilization, as its idea of a wife.

Rome raised up this degraded type, and the single word “matron” expresses the stern dignity of the Roman wife. Presently another step of progress. Under the influence of the Christian religion, the idea of *chastity* found its way into marriage, and in the heart of the wife sprang emotions of refined tenderness. But yet in spite of these improvements, the very essence of the marriage union, the *morale* of the woman beloved long remained a mystery. Ten centu-

* Kings.

† Digest of Hindu Law, v. 2.

ries after Christ, under the feudal system, the world had no conception of the idea of marriage. Nothing shows this more clearly than the opinions that took root in the hearts of those who were best fitted to understand it. If any woman may stand as the model of a wife, in all her glory, it is Heloise. Passion without bounds, and without alloy, enthusiasm for the genius of Abelard, jealous care for his reputation, a vigorous intellect, learning sufficient to join in his labors: all these completely fit her to be the wife of a great man. And yet her only fear is of becoming such a wife. When Abelard asks her hand of her uncle, the canon, she alone resists and refuses: she cites the saints and apostles who forbid sages to marry, the pagan philosophers who interdict it to philosophers, and with playful satire plainly depicts all the obstacles that a wife and children would present to his serious pursuits. "Where is the studious man," she asks, "who can endure the crying of children, the gibberish of the nurse to soothe them, the confusion and the noise of servants?" She throws herself at his feet, beseeching him not to marry her. "To be your friend, or rather, if you will not be angry, your mistress, is all I ask;* and God is my witness, that were Augustus, the master of the world, to offer me the honor of being his wife, and give me the whole orb to rule, I would find more delight and glory in being called your concubine, than his empress."

Yet the wishes of Abelard, and the threats of her uncle Fulbert, compel her at last to marry. She consents only on condition that it shall remain a secret. And when Fulbert, to save the reputation of his niece, publishes the marriage, she denies it. She is enccinte, and her shame or her marriage must be avowed; she accepts the shame, and denies the marriage. "I am not a wife," she cries, continually. Now, why

* Si uxoris nomen sanctius et validius videret, dulcius mihi semper extitet amicae vocabulum; aut si non indigneris, concubinae vel scorti. Ut quo me, pro te amplius humiliarem, ampliorem apud te consequerer gratiam. (First letter of Heloise.)

this obstinacy in refusing the title, and dishonoring herself? Therein is shown not only that excess of love which will owe nothing to restraint, and revolts at the idea of imposing fetters on its beloved; but also, and especially, the fear of impeding the genius of Abelard, and of extinguishing, by engrossing it herself, "the brilliant torch that God had kindled for the world;"* a clog to the feet of the superior man, did marriage seem to Heloise. Beautiful soul, but blind to the power of devotion! not to see that Abelard, sustained by her, would have been twice Abelard! not to see that the constant presence of a beloved wife, with her mother-like watchfulness over our actions and our labors, enriches our knowledge with all the delicacy of a woman's soul—that in short, the cares of life, a wife to support, and children to bring up, would perhaps have imparted to her selfish lover what he always lacked—the heart of a man with the head of a philosopher. But how could she judge differently of marriage, which was misrepresented on all sides? Was it not at once misconceived and debased by the coarse sentiment of the feudal barons, and the sharp condemnation of a few ascetic Christian sects? Frightened by the excesses which had sprung from the sensual passions, and by which the human body had, as it were, dishonored human nature, these sects declared it all mire and dirt, and all its desires base. To discountenance marriage altogether is but the next step; and Saint Paul had said, "He who giveth his daughter in marriage doeth well, but he that giveth her not in marriage, doeth better. But if she cannot contain let her marry; for it is better to marry than to burn."† This is the apostle's whole notion of marriage—not an ideal condition of human nature, the most perfect fulfilment of the divine law, but the gratification of a physical need—tolerated, like hunger or thirst. Tertullian goes still farther than Saint Paul. What he deems a *holy* horror, seizes him at

* Letters of Heloise.

† Saint Paul, Epistle to the Corinthians.

the sight of a woman.* A deicide, a fatal angel for ever fastened upon man, to destroy him: such is Woman to Tertullian. So with a sort of terror he throws a veil over her face. He wishes it to be concealed always, everywhere, in every age; the maiden's for her father's sake, the wife's for her brothers', the mother's for her sons'.†

In his rage, which spares not even the mother's caresses, he anathematizes every thing that comes from the wife, even those charming beings whom we love before we know them—children.

"No children!" said he; "children will be an incumbrance on that day when the feet should be free, and when the first trumpet of the angel shall sound; only virgins shall come forth, without hindrance, at its call, for they will have no nuptial burden trembling in their bosoms, or fretting at their breasts."‡

Saint Jerome goes further than Tertullian. That fierce martyr of himself, who had suffered so much by the flesh that, determined to overcome it, he slept naked on the naked earth, and passed whole days without food; this very St. Jerome uprose against the accursed flesh with all the fury of vengeance. Curses on marriage! he would have no more of it.§ "Take axe in hand," he cried, "and hew up by the roots the sterile tree of marriage. God permits it, I grant; but Christ and Mary consecrated virginity."|| In fact, virginity is the ideal that he proposes for all the world. Transferring to his picture of this condition the inflamed glow of his former

* "Woman," he says, "thou shouldst always be clothed in mourning and in rags, that the eye may perceive in thee only a penitent drowned in tears, and so atoning for the sin of having ruined the whole human race. Woman, thou art the gateway of Satan. It was thou who broke the seal of the forbidden tree, thou who first violated the divine law—thou, at last, for whom Christ died."

† Tertullian, on the Adornment of Women.

‡ Tertullian, his two Books to his wife.

§ St. Jerome, *Treatise on Virginity*.

|| Idem, *ibid.*

earthly passions, he tore from the world all the crowd of women who hung upon his words; and at his bidding, all— young and old, beautiful and deformed, rich and poor, noble and obscure—leaving their friends and their homes, rushed headlong into nunneries. The young Demetria,* descended from one of the noblest families of Rome, cast aside her rich garments, her golden ornaments, and her jewels, and appeared before her stupefied mother, clad in a robe of drugget—a virgin. A young girl, whose parents wished her to marry, leaped from a window and killed herself, to remain a virgin.† Chastity had become a sort of passion, and while the institution of marriage wavered under so many different attacks, it first glimmered in the horizon, and then, little by little, gaining ground, rose even to the zenith, and illumined all the middle age—the new star of that stormy heaven, the image of the Virgin Mary, an image at the same time ideal and real; for Mary is a virgin, and yet a mother. Children without husband—is not that the history of marriage in the middle ages? Those neglected women, of whom their husbands demanded only heirs, became mothers without husbands, so to speak—a virgin with a child in her arms.

Yet, in the midst of these obstacles, the type of the wife and of marriage achieved its true development, by the aid of the very theories from which the obstacles arose. A strange rebound! while the founders of asceticism branded love and marriage with a curse, Love, the immortal element, found in the doctrine of Jesus a point of support from which to become the soul of the woman; and marriage, despised on earth, realized its ideal elsewhere. Elsewhere than on earth? where then? In heaven!

This is one of the most interesting and curious points in the whole history of women.

We have already shown that it was Jesus who emancipated their souls and opened to them a life of sentiment, where

* Idem, *Second Treatise on Virginity*.

† Tertullian—*Ought Women to be Veiled?*

passion itself is accounted a plea for pardon; it is from him too that we date an affection new to the world—love for God. Such an opinion may seem blasphemy; but it is only truth. The Jewish women trembled before Jehovah; the pagan women bowed their heads beneath the thunderbolt of Jupiter; the Christian women loved Jesus. Read the simple and divine gospel of St. Luke, and you find women everywhere associated with the life and death of the Saviour. It seems as though they scarcely perceived their *Deity* in the God of their hearts? Martha, the sister of Lazarus, waited on him and cared for him. Mary sat at his feet and loved him, while he let fall from his sacred lips that profound saying which throws light on the whole question. “Mary has chosen the good part which shall not be taken away from her.” It was a woman who, while Jesus was preaching, cried out, “Blessed is the womb that bare thee and the paps that gave thee suck.” It was women who, when he was laid in the sepulchre, came to see where he was buried, and prepare aromatics and perfumes to embalm him. Did he not pardon the woman taken in adultery, and raise up the Magdalen drowned in tears, and converse with the Samaritan courtesan? So, when on the third day, Mary Magdalen came to the sepulchre with the apostles, and they saw that the body had been taken away, the apostles departed, but Mary remained; she remained without and wept, she bowed herself toward the empty tomb and wept. And when two angels, clad in white, and seated in the place where the body of Jesus had been, said to her: “Woman, why do you weep?” she answered, “Because they have taken away my Lord, and I know not where they have laid him.” What tender affection in those words which have become the cry and the sigh of all women—*My Lord!* So it is finished; and henceforth a new sentiment will sustain them in their struggles, calm them in their sufferings, and console them for being nothing and doing nothing; they will love their Lord. What matters the cruelty of their husbands—they have another husband in heaven (for virgins and nuns

are not the only brides of Christ); they have another marriage, wherein all their soul's power of loving grows and is spiritualized.

You burly baron, you think yourself this woman's husband because you own her; but it is only the gross envelope that you press in your arms; her soul, henceforth too elevated to be content with the low elements you afford her, escapes, and is united to a divine object—to that celestial martyr at the foot of her bed, nailed to a cross. There is the true well-beloved—a love real, profound, to which she is faithful, and of which Jesus is jealous. The martyrdom of Christ was the martyrdom of many women in the middle ages; many among them participated in his passion. What torrents of tears have flowed over his crucified body! What embraces have clasped him to pure and burning hearts! never was human being more adored, more bewept.*

Saint Theresa dies of regret for not being able to die—that is, with longing to join Him. Catharine d'Oignies swooned with grief, if she gazed too long upon the crucifix. Thus the curse pronounced against passion produced passion, and the struggle against love ended in love itself—with this peculiarity, that renewed by the divine object of their adoration, the souls of women were purified in their own flame. Their education was accomplished, the torch was lighted; it only remained to bring back to earth some of the rays, which now all pointed towards heaven. Chivalry was God-commissioned with this office. Only, as we have said, the manners of the time presenting obstacles to the complete perfecting of marriage, and it being impossible for the character of the wife to take its true shape in the bosom of the conjugal union, it was formed outside of that, under another figure.

A page from the charming biography of Bayard, by his squire, explains this point:—"The good chevalier had been brought up from early youth in the house of the Duke of

* Works of Saint Theresa—*Canticles*.

Savoy; and as the young people mingled together there, without restraint, he often saw and soon loved a fair girl, who was maid of honor to the Duchess, as he was page. This love was mutual, and so earnest, without departing from propriety, that if they could they would have been united, without regard to what might follow on the score of poverty. But the Duke of Savoy having given Bayard to Charles VIII., to be his page, the two lovers were necessarily separated; and when several years afterward the chevalier returned to Carignan, he found his lady married, by order of the Duke, to the Seigneur de Fluxas; yet she wished to let him know, as a virtuous woman might, that the honest love she had borne him in her youth still lasted, and therefore she honored him with every possible courtesy. "Monseigneur de Bayard, my good friend," said she, "this is the house in which you were reared; it would be a shame, indeed, if you did not make yourself known here, as in France and Italy, where your fame is so great." "Madame," replied the poor gentleman, "What would you have me do?" "It seems to me, Monseigneur (but do not let me weary you), that you would do well to hold a tournament in this place." "It shall be done, Madame; you are the first lady in the world who has reduced my heart to her service; I am very sure that I shall never have from you a greater favor than "the lips and hands,"* for if I were to demand more, I should gain nothing by my trouble; and on my soul I would rather die than urge you to dishonor. But I pray you give me one of your sleeves." She gave him one; and on the morrow a trumpet proclaimed in all the towns round about that Monseigneur Bayard would hold at Carignan a grand tourney, the prize of which should be a sleeve of his lady, and attached to it a ruby of a hundred ducats. Who was the victor? You can guess. When the joust was over, the two judges (one being the Chevalier de Fluxas) approached to present the prize to the chevalier, but

* This expression is borrowed from the phraseology of vassalage.

he, blushing, declined it, saying, 'That the honor was wrongfully attributed to him; that if he had done well, Madame de Fluxas was the cause of it, since she had lent him her sleeve, and that the prize belonged to her alone.' The Seigneur de Fluxas, who well knew the perfect honor of the noble chevalier, was not jealous of him, but went straight to his wife, with the Seigneur de Grammont, and presented to her the ruby and the sleeve, with the words of the chevalier. She who so well understood his marvellous devoir, was in no wise alarmed, but replied: 'Monseigneur de Bayard honors me in saying that my sleeve has won the prize for him; I will therefore preserve it as long as I live, in honor of him.' That evening there were dances and fêtes, but on the morrow parting. When the chevalier went to take leave of his lady, she shed tears, and his heart was very heavy. But an honorable love endured between them till death, and every year they sent gifts to each other."

This story teaches us more about marriage in those times than much study could. In it is revealed a fact fantastic as an exception, general as a rule: namely, that in the middle ages there was almost always for woman a double marriage: for her husband she reserved her person, her fidelity in *deed*, her duties and external cares; for her lover her soul, with its aspirations, and her spiritual life. "Every virtuous woman," says the chronicler of Bayard, "can, I may almost say ought, to have a husband and a lover—rivals without enmity, joint-proprietors without envy; for their kingdoms do not intrude upon each other." We have just seen how the Seigneur de Fluxas conceived no jealousy of the chevalier, because he recognised his loyalty. With these men, gross, and without refinement of heart, adultery was a physical thing. The wife who had preserved her body was faithful—that was all they asked; moreover the lover was a personage, accepted and recognised; he had his rights, which the wife did not conceal, and the husband did not deny. What were those rights? where did his empire begin? and especially, where

did it end? We have said: to the husband the body, to the lover the soul; but we may well fear for our feudal ancestors that sometimes confusions may have crept into this division of realms, and their wives perhaps blundered.

No fear! All these rights were regulated by judicial decrees; there were laws for them—courts, trials, and even lawyers. In the fourteenth century Martial d'Auvergne puts upon the stage, under the title of "Arrests of Love,"* with all the forms of a court of law, certain lovers, who complain, before a grave judge, that their lady has refused to look at them, or kiss them; while the lady defends herself on the ground that Monsieur Danger was there. Monsieur Danger was her husband.

This satire would suffice to prove the fact, as Don Quixotte proves chivalry; but here we have another authority more imposing and more unimpeachable—the manuscript of a chaplain of the French Court, in the twelfth century, who establishes the existence of these Courts of Love, and describes them.† The ladies of Gascony, Queen Eleanor, the Countesses of Narbonne, Champagne, and Flanders, were presidents of the Courts of Love. They were held at Pierrefeu, at Digne, and at Avignon, and an appeal could be carried from one to another; ladies alone presided as judges, and discussed and decided cases. In these poetical and sentimental assemblies, in these schools of the heart, if one may call them so, the laws for lovers and husbands were debated and passed. "Can true love exist between married persons?" is asked in court; and the Countess of Champagne replies: "We declare and affirm, by virtue of these presents, that love cannot extend its rights over married persons. Indeed to lovers all things are granted, naturally and freely; while married persons are held by their duty, reciprocally to relinquish their wills, and to refuse each other nothing. Let this decision,

* *Arrêts d'Amour*, collected by Martial d'Auvergne.

† Maître Andre, chaplain of the Royal Court of France, twelfth century.—(*Manuscrit de la Bibliothèque royale*, No. 8758.)

rendered with extreme caution, and in accordance with the advice of a great number of other ladies, be for you all an abiding and unalterable truth. Given in the year of our Lord 1174, the thirteenth day of May. Seventh Convocation."

Thus, the husband had no right to love his wife; but on the other hand the woman had a right to love another man, even though she were perfectly virtuous, says the chaplain; marriage, according to one of their articles, was not a legitimate excuse for not loving; for a young lady, attached to a knight in virtuous love, being married to another, was condemned by the decision of Ermangarde, Viscountess of Narbonne, to keep up her first love, and her accustomed favors, the intervention of the marriage-bond not excluding the first attachment.

But here is a very curious decree which decidedly indicates the difference between love and marriage. A knight loved a lady who had already an engagement. The lady, in order to free herself from his importunities, promised to love him if ever she lost the love of her present favorite. Two months afterward she married that suitor, and then the rejected aspirant came forward and demanded her favors, contending that now she had no right to love her first lover, because she had married him. Then came a decree of court, the decision of a princess, of a queen—Queen Eleanor—which, with some evasion, proclaimed, that if the woman now granted what she had promised, she would be *laudabilis*—commendable. An apparently ridiculous and frivolous institution, in which, no doubt, wit played a prominent part. A serious fact was concealed under it; one worthy the attention of historians; I mean that it protested against the barbarous marriages of our fathers. The Code of Love censured and reformed the marriage code; or rather, it was, in part, a system of law for marriage, stricter than marriage. This free affection inspired the two lovers with genuine and active duties. The civil law said: "A woman whose husband has been absent ten years without her having any news from him, is at liberty to marry

again.”* The law of Love said : “ The absence of the lover, for however long a time protracted, or however remiss he may have been in messages or letters to rejoice or to console his lady, does not release the woman from her engagement.” The civil law said : “ The widow, at the expiration of a year and a day of widowhood, may take a second husband.”† The law of Love imposed upon the lover two years of heart-widowhood. The feudal laws, which permitted the husband to beat his wife, provided it was done with moderation, made of the husband a mere brutal *owner* ; the law of Love imposed respect upon the lover, as a fundamental doctrine. Finally—and this is the important point—manners under the feudal system granted to the wife no power over the husband, while the code of Love made woman, as we have said above,‡ the guide and associate of man.

Thus was realized, outside of marriage, and in opposition to marriage, that which constitutes its intimate essence—a fusion of souls, and a mutual perfecting. In vain was the Court of Love overthrown ; humanity had none the less received from it, and did not the less cherish in its heart, that precious type of womanhood. Time did the rest ; and since that epoch love and marriage seem, to noble souls, two brothers invincibly allied, incomplete without each other, and all-powerful by each other. Indeed, in passing from the mistress to the wife, the moral influence of the latter at once assumes that essential character which hitherto was wanting—continuance. The influence of the lover does not survive the youth which produced it, and often partakes of the frivolity of that season, as well as of its ephemeral grace. Marriage alone is serious and enduring, for marriage makes a duty of what was sport before, a rule for life of that law for a day, a calm authority of a passionate domination. Woman can exercise a salutary

* *Assizes of Jerusalem*, Court of Nobles.

† The widow ought not to be married again, before one year and a day, reckoning from the death of her husband.—*Ibid.* Court of Citizens.

‡ “ In Love ”

influence over man only in marriage, and marriage alone can complete a man. Doubtless, it is as yet only by isolated couples that God manifests to us the image of such ideal unions; but good begins always as an exception before it becomes a rule, and without fear of being called dreamers, we may trace a picture of one of those rare cases which should serve as models.

Between such a married pair, there are no commands, no inferior, no superior—especially in the eyes of the husband, for his sole object is to teach liberty to his wife, and to guide her in the pursuit of it. In this holy alliance the blended qualities are transformed in interchange; she becomes stronger by him, he becomes better by her; tenderness—that divine sentiment which imparts to everything the ardor of passion, the penetrating sweetness of sympathy—tenderness, insinuating itself into their hearts, fuses them, as it were, into one being. They have, of course, other and very dear objects of affection—children, or a mother; but no love like that they entertain for each other. She is for him alone, he for her; the same thoughts come upon their lips at the same moment; their countenances assume a like expression, and acquire a sort of resemblance; seeing them or hearing them, we remark a relationship more powerful than that of blood—the relationship of soul.

Such a union fears no ravages of time. It is the miserable employment of women's lives, it is their idleness, and all the mean passions it engenders, that withers their faces before they are old. While youth, that most charming of deceits, lasts, the full outlines of the figure deceive us all, and if an unworthy emotion of the soul sets a betraying wrinkle there, it is soon effaced by the elasticity of the young flesh; but as age comes on, each habitual thought ploughs its furrow, vanity contracts the lips, envy draws down the mouth, and the disenchantment of the husband follows close on the premature decline of the wife.

But the wife whose portrait we have just sketched has

nothing like this to fear from the hand of time. Michael Angelo was one day reproached for painting the Virgin Mary beautiful, when she was no longer young. "Do you not see," he replied, "that it is the beauty of her soul which has preserved the beauty of her countenance?" Thus, with the wife who is truly a wife; all the good she has done through her long conjugal and maternal career, all the pure and elevated thoughts she has had, spread over her features a charm of physiognomy, a nobility unknown to youth: the powers of her mind, in full exercise, add a lively grace to it; and so, sometimes Time seems to give her more than he takes away.

Though old age itself come, it will not change the union until it breaks it. When their children, absent or set up in life, shall have left the two old partners alone on the hearth at home, the memory of their long companionship, so pure and tender, the consciousness of having improved each other, the certainty of an immortality which an unimpaired affection bestows, will avail to protect their souls from the icy touch of age. And this affection will even be impressed with a solemn melancholy, in view of the earth which is receding, and of God who is approaching; and they will love each other, at the same time, as beings who are about to part, and as beings who will meet again.



CHAPTER VI.

DIVORCE.

IN the description of ideal marriage we have just attempted one word is wanting, which, however, is implied in every line, Indissolubility.

Indissolubility seems to me to be the supreme seal of the matrimonial institution; it is truly the mark of the finger of

God on the human bond; it is the sublime idea of the unchangeable introduced into a life of unceasing change; it is the hope of the Infinite implanted in hearts where every hope was dead; and we may defy poets and philosophers to portray a perfect type of marriage without excluding the word divorce. Sublime as an eternal principle, the theory of indissolubility has played a notable part in the world, as a temporal institution, and a social instrument. In the hands of the Church it has saved marriage and woman. When Christianity arose, marriage was dying out in Rome, on account of divorce. We all know the excesses of imperial Rome; "Many a Roman woman," says Seneca, "counts her years not by the number of consuls but by the number of her husbands." "Away with you!" says a freedman to his wife, in Juvenal—"Away with you! you wipe your nose too much; I want a wife with a dry nose." Among the barbarians marriage perished by repudiation,—repudiation being the right of the husband to put away his wife, just as divorce is the common right of both parties to separate and remarry.

The *Nial-Saga* affords a remarkable example of this despotic power. An Upland man attends a marriage feast with his wife. Chance places him near a young girl of rare beauty; and his eyes never leave her. His wife rallies him on the intentness of his gaze. "This woman is intolerable," he cries; "I repudiate her, and marry this girl." And he married her.

Nothing less than the voice of Christ, of God himself, could prevail against the Roman and barbarian world, to overthrow such bondage and reform such depravity.

This struggle, this quarrel of two centuries, between the Church and Society, is displayed with all its dramatic effect in the story of Philip Augustus and Agnes of Méranie: nothing more touching than the story, not of Agnes, but Ingeburga, the first and true wife—nothing more cruel than Philip—nothing more noble than Innocent III. It is not a woman, a husband, and a priest,—it is the wife, the proud spouse, and the

civilizer. Ingeburga is young, beautiful, and daughter of a king,* so graceful that they compared her to Diana, so pure that they likened her to Mary. Philip desires her for a wife; her brother, the king of Denmark, gives her to him. She comes to him, preceded by the fame of her beauty, but far surpassing it. Philip receives her at Amiens, passion glowing in his face. A day for the ceremony is fixed, and the royal lovers are soon in the cathedral at Amiens. But suddenly, in the midst of the ceremony, the countenance of the king changes, he grows pale, his eyes are turned away from the fair Ingeburga. What has taken place in the violent soul of the semi-barbarian?—no one can tell. But he finds ugly now what before was of glorious beauty; he abhors what just now he adored; Ingeburga seems a hateful monster to him. At night the nuptial chamber is opened, and at midnight Philip enters it. But in a moment he returns, and swears he will never be the husband of that woman, that Satan stands between her and him. From this to divorce is but a step. He asks, he demands it, and with that mixture of uncurbed impetuosity and patient plotting, peculiar to the barbarous races, lays all his plans for the act of repudiation. A pretext is soon found; Ingeburga is his relative. A genealogical tree is erected to prove that, bishops are appointed to proclaim it, and three months after the union a council is convened to break it. The unhappy daughter of the North attends alone, not one of her kindred by her side, no one to advise her. She is even ignorant of the French language, and for several hours, full of anxiety, under the eyes of the king, in the full gaze of the prelates, catching from time to time the sound of her own name, she follows the drama in which her life is at stake. At last judgment is rendered, and that judgment is *Divorce*. It is communicated to Ingeburga, through an interpreter, whereupon, rising distracted with grief, she cries in tones of unspeakable anguish “Mala

* *Bibliothèque de l'école des Chartres* (Memoir of M. Hercule Géraud).

Francia! Mala Francia!" That unexpected cry, the very sound of her foreign tongue, so clearly uttering her distress, and her inability to defend herself, make the judges recoil from their sentence. But Philip forces them to sign it. What then does Ingeburga do? With a cry even more piercing than the first, she turns to an absent, but sure deliverer, and exclaims, "Roma, Roma!" And Rome responds.

But Philip does not flinch; he had driven his wife from his bed, and now he casts her into a convent, or rather into prison. Denmark reclaims her, but he refuses; the Holy See defends her, but he defies it. He solemnly espouses another woman, Agnes of Méranie; and the lawful wife, the anointed queen, the daughter of a king, who had brought a province as her dowry, dies of hunger in captivity, after being forced, for very life, to sell her clothes and her furniture, even to receive alms from one of her judges, driven to charity by remorse.

But that was not all. Pope Innocent having at last annulled the divorce, and called for an investigation of the pretended relationship of the two parties, Philip drops that plea, and talks of witchcraft. He is not ashamed to call upon Ingeburga herself to testify that she has never been his wife. So the chaste creature is compelled to swear solemnly before two archbishops that Philip did enter her bed, to name the day and the hour, to relate all the circumstances, and proclaim the proofs—in short to open her nuptial chamber to the gaze of all Europe. Philip, deprived of this resource, soon finds another. Ingeburga herself shall sue for the divorce, shall desire it, shall implore it. Then a complete system of moral and physical tortures are brought to bear upon the broken-hearted prisoner, to force her to acquiesce; her food is irregularly provided, and in insufficient quantities; and when she falls sick they deny her a physician, or if one attends, refuse to follow his advice. Innocent's letters of consolation are all intercepted; her brother's messengers, her countrymen, are excluded from her presence. Debarred from human society, they isolate her from God himself. They limit the days

in which she may hear mass; they absolutely deprive her of religious instruction, consolation, and even confession (to deny her distracted heart the comfort of confession was to inspire her with a dread of damnation itself). No human being may approach her, except her hired menials, who load her with insults, reproach her for the misfortune of France, under a ban for her sake, and blame her in galling language for Philip's disgust. At first in her despair she appeals to the Pope. "Oh, holy father! I die every day in my body and in my soul.* Oh! how pleasant, how sweet, how holy, to me—a wretched woman, desolate, abandoned by all the world—would seem the only death which can rescue me from the torments of a thousand deaths that I now endure!" But soon taking courage again, she says, "Holy father, I wait for you. Give no heed to confessions wrung from me by threats; believe no oaths, extorted by violence; my lips may yield, my body waver—but my soul never! I am a lawful wife, and so will I die, happy to die in defence of the holy sacrament of marriage."

Let us confess, these words breathe a grandeur unknown outside of Christianity, and the doctrine of indissolubility in marriage. The Pope proved himself worthy of his commission.† He did not allow Philip a moment of time. "You are all-powerful," he writes; "but whatever the confidence with which your power inspires you, you cannot hold it, we will not say against us, but in the very face of God, whose earthly representative, although unworthy, we are. Our cause is that of justice; we shall walk in that royal road without turning to the right hand or to the left, diverted neither by prayers nor by bribes, neither by love nor by hate."

* *Innoc. Epist.* iii. 16, 17, 18, 19; xix. 85, 86, 132, et passim.

† Those who see in the intervention of Innocent only an act of ambition, should read his letters to Philip (vol. iii. and vi. *Epist. Innoc.*). His moderation, his patience, his desire to learn the truth, show a soul, intent only upon justice, and he does not hesitate sharply to reprove Ingeburga when her complaints seem ill-founded.

Philip Augustus urges the relationship, and the difficulty of proving it;* Innocent proposes to send lawyers to Denmark at his own expense, to examine that point. Philip alleges witchcraft; Innocent proposes a convention of men of learning and religion to decide that. Philip speaks of the difficulty of finding a suitable place for the sitting of such a council; Innocent suggests either Étampes, where the queen is—Paris, where the king is—or Rome, where he is himself; but on condition that always, and in either place, Ingeburga shall have her lawyers and witnesses. For fifteen years his eye and ear are ever turned towards France; not a cry from the victim reaches him that he does not call her executioner to account. “Are you a king or a murderer? Do you hope to convince any man that you are not treating as a base-born slave an illustrious princess, royal by birth and soul, and letting a woman, whose dowry is still completely in your possession, die in misery? Do you not fear that you will be accused of having for a long time plotted her death, that you will be regarded as a murderer of the half of yourself, and that therefore you will find yourself cut off from the communion of the faithful, and incapable of forming new ties?”

The struggle lasted fifteen years; and for fifteen years neither the energy of Innocent, nor the pride of Ingeburga, nor the cruelty of Philip wavered; and the interdict had to be hurled against France before justice could triumph. The philosophy of the eighteenth century is very indignant at the measure. To punish a whole nation for the crime of a single man seems so monstrous an injustice that the soul rebels, angry in spite of itself. Then comes national pride with its jealous susceptibilities; and indignant at seeing a French king yield to a Roman pontiff, we hurl back the anathema on him who has punished, in the person of one man, ten millions of men.

But was it the crime of a single man? Was it not the vice of a nation, of twenty nations—a plague spot on the race,

* *Bibliothèque de l'école des Chartres* (Memoir of M. Hercule Géraud).

which must be healed? One half of humanity, or rather the whole human race, were there on trial, for there was an abominable barbarity to uproot—as fatal to the executioners, whom it disgraced, as to the victims whom it crushed. It was necessary to tear out of the world that monstrous growth, for so many centuries concealed in its bowels, Repudiation—that wife, husband, family might be saved.

From this study of the past we derive one incontestable truth,—namely, that the triumph of Indissoluble Marriage is inseparably linked with the triumph of civilization. Moral greatness, which is absolute greatness—historic greatness, which is relative greatness—all the characteristics of a salutary law this principle combines. It is a noble rule, and its application has been useful. Yet if that is so, why is it that so many serious voices are raised against the theory? How comes it that so many strict consciences clamor for divorce? Why is it that more than one sincere partisan of indissolubility sometimes feels his convictions shaken, in the face of existing customs and the actual state of society?

These contradictory opinions arise, I think, from a very sound course of reasoning—clearly presented to the consciences of some, confusedly, to others—which an eminent magistrate thus summed up. “Doubtless,” said he, and he was thoroughly informed of the private life of many families, “divorce is essentially opposed to the ideal of marriage; but before we can reject it for that reason, we must first show that marriage itself is not contrary to its own ideal. Now do these unions generally present anything in accordance with the contract entered into by two free creatures, and consecrated by God? Let us begin at the beginning. The girl hardly knows the young man she marries, does not understand the contract she signs, nor the legal obligations of the position she accepts. Is that marriage? Is it marriage, a pretended *union*, in which one of the parties has control neither of her fortune nor her person? Is it marriage, a union extolled for its moralising power, when the adultery of one of the parties is not punished

by the law? Is it marriage, a union for the education of children, when the mother has no legal authority over those to whom she has given life? Is it marriage, a union of capital, when the wife is counted as a cipher? Is it marriage, in a union of vanity, where the child is sold at sixteen for a title and an alliance? No, there is a contract of bodies and fortunes, but no fusion of souls and ideas. This is not marriage—it is even divorce. Why wonder then that divorce grows out of it? Divorce is a calamity, perhaps a poison even, but the tyranny of our conjugal relations has no counterbalance but this calamity; our marriage system, morbid and corrupt, can be healed only by this poison. So long as marriage is subjection for the wife, divorce will be necessary to teach her liberty. So, one of two things must be done; either reform marriage or confirm divorce. Now the reform of marriage is a process of years; to accomplish it there must be changes in the laws, changes in customs, which takes much time; and while we are waiting for their completion marriage will destroy itself by its own vices. Establish divorce, then, permanently, and you establish the necessity of matrimonial revolution, and hasten its advent.”

This argument seems to me quite fundamental. It presents the subject from a new point of view; indeed it is no longer the question, so justly odious to all delicate minds, whether divorce is legitimate in principle, but whether it is necessary as a temporary remedy, a transitory measure designed to lead us to a permanent constitution, in which the indissolubility of marriage shall be founded on its very organization; or rather in which its organization shall render its dissolution useless and wrong.

Two kinds of objections arise against even the temporary adoption of divorce—one religious, the other social and moral. To appreciate their value it is best to examine them separately, for the illogical confusion of these two classes of facts presents invincible obstacles to a solution of the question.

From the tenth century till 1789 the civil and religious offices were united in marriage.* The same priest who blessed the union as a minister of God, consecrated it as a civil magistrate.

To the Church were intrusted the civil records. All cases concerning marriage were under her jurisdiction. To her belonged judgment in cases of separation, or of quarrels between husband and wife. Marriage, in short, had existence and value as a civil bond, only so far as it was also a religious union.

The Revolution overthrew this organization. The State interfered in matters of marriage, and resumed its appropriate office of authority and direction. Marriage was divided into two acts, each distinct and complete in its nature as well as in its effects. On one side it was a sacrament, on the other a contract; on one side a union blessed by the Church, regulated by the Church—on the other a union ratified by society, and subject to social laws. There were in reality two marriages quite independent of each other. Moreover, that the distinction might be clearly marked, marriage by the Church could produce none of the effects of civil marriage, nor could the civil marriage add any rights to marriage by

* See in Pothier's Treatise on the Marriage Contract, *l'Histoire des conquêtes successives de l'Eglise sur ce terrain*.

"Marriage by the Church as an obligation began only in the tenth century. In 866 Pope Nicholas First wrote to the Bulgarians, that the usage of the Roman Church was, that after betrothal and contract the parties might bestow their offerings to the Church, through the hands of the priest, and receive the marriage benediction, with the veil; but that these ceremonies were not necessary."—Pothier, *Contrat de Mariage*, vol. i. p. 38.

"We desire that cases relating to marriage may come under the consideration and jurisdiction of the ecclesiastical judges."—Edition of 1606, *Pothier*, vol. ii. part 6.

"Reason requires that the husband or wife who has a complaint to make against wife or husband should refer it to the Church."—*Assizes of Jerusalem*, Court of Citizens.

"All quarrels between married persons, except for murder or high treason, should be brought before the Church, and not before the courts."—*Ibid.*

the Church. This simple exposition of facts is sufficient to remove the first and principal objection, which is opposed to divorce, and which I have termed the religious objection. The piety of a great many Catholics denies the right of the civil legislator to institute divorce, because, they say, divorce is contrary to religious law. The legislator may reply, "Civil and religious law have each its separate domain. They reign without conflict, and each may act in its own sphere, according to its own principles, without offending the other. For example, your religious law may refuse to consecrate what I may confirm—the marriage of a Catholic and a Jew; shall I take that as a text to rail at you? Not at all. It is your right; for you depend no more on me than I on you. To you the sacrament; to me the contract. You are free to declare the sacrament indissoluble. I am free to declare the contract revocable. I could not without tyranny compel you to consecrate divorce; you could not without injustice forbid me to institute it; for our realms are different—to you the faithful, to me the citizens."

The Church, I think, can have nothing to say to that. M. Royer-Collard, in his celebrated discourse on the law of sacrilege, establishes in an unanswerable argument this distinction between Church and State; he shows what a gulf separates religious obligations from obligations purely civil, religious errors from social errors. It is just the distinction between morality and legality, between virtue and law—that is to say between the Infinite and the finite, between heaven and earth. Of course the law of the Church, which forbids divorce, is higher, holier, more comprehensive, than the law of the State, which permits it. But it is precisely because it is higher that it is not the same. Their worlds, as the illustrious thinker on whose ground I stand has said, their worlds, though they touch each other, cannot unite—the grave is their limit.

Thus, then, the first point is established. Society can of its own lawful right institute divorce, since it leaves liberty to

all men, and imposes its laws upon no man's conscience. Now let us go farther, and ask "the faithful" themselves if the temporary institution of divorce is a fundamental violation of the eternal principles of the Church? Could not its supreme head, without doing violence to the organic constitution of the great body, admit divorce in certain cases and at certain times? We believe so, for ecclesiastical history presents notorious exceptions to this rule, which they call absolute.

Saint Jerome tells us, in his life of Saint Fabiola, that divorce was tolerated in the primitive Church. "Fabiola," says this great man, in express terms, "was divorced from her husband, because he was vicious—and married again."*

The Assizes of Jerusalem admit two conditions under which divorce is allowable: "If a lord leave his land and turn Mahometan, his marriage is broken off, and his wife may remarry a year and a day after the apostacy of her husband." "If one of the two becomes a leper, or has the falling sickness, or exhales a disagreeable odor from the mouth or nose, the Church may, after examination, pronounce a divorce, and the healthy one may remarry." Such are the very words of the text.

The Church of the twelfth century then admitted a middle course as to this theory of indissolubility of marriage. It is said, I know, that these are not cases of divorce, but of cancelled marriage, such as all laws sanction. The argument has only an appearance of soundness; for, in fact, what is the difference between divorce and annulment? Only this, that annulment supposes some radical vice which existed before the marriage, or which, though concealed, co-existed with the marriage, and so nullified it at the moment when it was contracted—such as an error of identity, near relationship, etc. In a word, annulment contends that the marriage has never existed, because it has never existed legally. On the contrary, divorce, or rupture of the marriage union, has for its cause some circum-

* Saint Jerome, *Life of Saint Fabiola*.

stance arising since the marriage, and which, consequently, could in no wise have prevented its anterior and complete existence. Now if we examine the three cases cited by Saint Jerome and the Assizes, we shall see that they all three rest on circumstances subsequent to the union. The Church, then, has admitted divorce.

A last example proves this absolutely. All those ruptures of Royal marriages which fill up the history of the court of France from Charlemagne to Louis XII. and Napoleon; what are they but insidious attempts upon the indissolubility of the rite? The dignity of the personages concerned, so far from palliating the violation of the law, only serves to render it more conspicuous and fatal; "reasons of State" being almost always but transparently false pretexts, vex the spirit of justice and morality in the masses more, and such examples shake the idea of indissolubility in the public conscience more, than two hundred private divorces could. And yet who affords these examples? The Church. Here then is a second point established. The question of divorce is one of those questions into which exceptions have been introduced even by those who maintain the principle; the civil law then cannot without impiety join with the religious in this, for in contradicting its rule to-day it imitates its tolerations of yesterday.

Finally it remains for us to examine marriage as a human contract, and divorce as a social fact. From this point of view the objections are neither less vivid nor less serious. The gravest are nearly all summed up in this: "Indissolubility," say the philosophers and politicians who defend it, "is not alone a natural principle, or even a religious principle; it is a law of order and good manners—a social principle. Civil law, it is true, does not embrace and cannot embrace the whole moral law, but it could not exist if it were not founded on that. Now the only moral foundation for marriage is its indissolubility. As soon as divorce is introduced it shakes every union that it does not dissolve; the holiness, the

purity, the strength of the conjugal relation, are all overthrown in the public conscience by divorce."

There is no answering such arguments except by this question: In our state of society is not the theory of indissolubility ruinous to the family, a thousand times more than divorce could ever be, if limited by severe laws? Those who have examined the facts can have no doubt of that. What has produced so many bigamies among the people? Indissolubility. What was the cause that in 1830, when the Commissioners were occupied in distributing pensions to the widows of the combatants of July, two or three widows appeared for each dead husband? Indissolubility. What multiplies illegitimate children outside of the family? Indissolubility. What nurtures hatred between married pairs? Indissolubility. What leads to the scandalous revelations exposed by the operations of justice to the eyes of the world? Indissolubility. What inspires husband or wife with thoughts of murder, sometimes even of massacre? Indissolubility.

When a principle produces such effects in society, it is either radically bad, or opposed to the laws and customs of that society. Radically bad? No one would maintain that, surely no one less than I. Our laws and customs are then at variance with it. Consequently it is necessary to either reform those laws and customs, or to modify the principle of indissolubility; that is to say, we are conducted anew by this reasoning to reclaim the temporary institution of divorce. Moreover, if conclusive proof be required that it is necessary to establish divorce, we affirm that Law has established it in spite of itself; it is already created—under a false name, disguised, unrecognised by thoughtless minds—but created in fact. In vain have our legislators forbidden it; divorce still exists, with all its evils and only one of its advantages—with more immorality, a thousand more sorrows, a thousand more contradictions; it indeed exists, since Separation exists.

Let us examine the facts in separation, and doubt will no longer be possible.

Separation disunites without emancipating ; it separates the goods, and leaves the wife under the control of the husband ; it separates the persons, and leaves to the honorable married man responsibility for the faults of his wife ; it loosens marriage as a tie, and tightens it as a chain. Is not this divorce, the most impious, the most corrupt, that any people ever tolerated ? Look at the same thing in the middle ages, when every woman separated from her husband was separated also from the world, and thrown into a monastery : though the wife was victimized, at least the sanctity of marriage was preserved. But what shall we say of our system ? A woman, twenty-five years old (for it is almost always in youth that these separations occur), appeals to the law to rescue her from her husband, whose ill treatment she can no longer bear ; so the law promptly “ separates ” her from the man, and throws her upon life without a guide, without consolation, delivered up to all her troubles and her dreams, her inexperience and her impulse. What happens then ? Her isolation, and the very fact of her separation, attract around her a thousand interested attentions, a thousand ruinous temptations ; for men seem always to regard a separated woman as belonging to them by right. If she resists they reduce her to submission by prying into her present conduct, and even calumniating her past ; for in the eyes of the world a separated woman rejects one arrangement only because she has set her heart upon another. If, on the contrary, she yields—shame and scorn upon her ! As she has no one to defend her, and as her faults cannot be concealed behind the screen of marriage, she finds herself a butt for the attacks of strict women, who are generally without pity only because they are without heart, and of equivocal women, who are cruel in order to appear correct. And yet is it she who is to blame, or the law ? Does not the law cast her off, and let her fall altogether ? Tear her heart out, if you would not have her love at twenty-five ! Alas ! which of us has not known or does not know one of these miserable victims,—distracted like some poor

bird whose nest is broken up. Without a profession—because women generally have none,—without any serious occupation, often without family ties, we see them attaching themselves by friendships, very sincere no doubt, but only friendships. In vain, to create for themselves maternal illusions, do they call their young friends and relatives “my children;” in the depths of their souls they are continually crying, Ah! this is not the true thing! Especially in the evening, when they go home to find themselves alone and lonely there, when they descend into their sad hearts, so young, so full of tenderness, and every thing there repeats to them “no more love!”—then indeed do their sobs burst forth and their tears fast, as they cry; “My God! my God! let me die.”

I speak of the separated wife; but is the fate of the husband less terrible? What more heart-breaking to a man of feeling, than to have his name, the name of his father, the name of his children, borne and dishonored by the woman who has betrayed him? If an act of shame contaminate her in the eyes of the world, or even bring her to the bar of justice, it is under the name of her husband that she is condemned. If she bring into the world illegitimate children, it is her husband's name that they must bear, if he cannot prove his “absence.” She cannot appear in a parlor nor shine at a party, where her name, as often as it is uttered, will not recall to every mind remembrance of her husband, and with it the ridicule which the world invariably attaches to him. Separation implants monstrous desires in the hearts of both; it leads them to wish for each other's death; it even subverts the father's and the mother's love.

Never tell us that at least it respects the principle of marriage. What principle more outrageous than that which the deed violates every day, while the doctrine declares it inviolable? Never tell us that there is a chance of reconciliation left to them. There is not one instance of reconciliation in a hundred separations. Let no one object to us that the divorces of the Directory were scandalous. What obliges

us to renew those excesses? It was the laws alone that, by their immoral compliance, committed those disgraces. Let the laws be strict, and society will be so also; the history of the Empire proves that. There divorce was admitted with restrictions for ten years, and the matrimonial institution was not shaken. Belgium, England, Germany, Russia, and America have accepted it, and the family is not less securely established in those countries than in France.

Finally, the last argument is, that for the children's sake separation supersedes divorce; the parents suffer, it is true,—but at least the fortunes of the children are protected.

Fortune! children! And are not parents human beings then, as well as children? Is not the wife often as innocent as the child in this separation? and have you a right to inflict on a father or mother a forced widowhood, for the sake of securing more money to their child? for it is but a question of money. Education, the unity and directness of moral discipline, the life of the family, all are destroyed by separation as completely as by divorce. Yes, a thousand times more so; for the child, dragged backward and forward between two opposing powers, trained in two opposite systems, belonging half to one parent and half to the other (for in spite of all legal decisions, parents are still parents), orphaned of its mother one month, and of its father the next; hearing them heap upon each other mutual accusations, so much the more bitter because their misery is without remedy—the child, I say, finds itself the judge of its parents, so constituted by the parents themselves, and its verdict is scorn for one or the other, often for both.

Such is separation—fatal to the parents as divorce, hurtful to the children as divorce; breaking up like divorce all associations of thought, all participations of fortune, and more than divorce dishonoring its victims and making them desperate. So one of two things is necessary, either separation must be abolished, or divorce adopted. Now who would dare to abolish separation? You cannot render it milder or harsher;

for one chain more is the law of the Middle Ages; and one chain less is divorce itself. Divorce then is indispensable. Let difficulties without number surround it, let the precautions be multiplied; declare that the party whose fault has provoked it shall be punished with a considerable fine, or some grievous penalty, and be even deprived of the right of marrying again; proclaim divorce a disgrace, an exceptional law—but proclaim it, otherwise Family itself is in danger. Do you not hear the stifled cries that are uttered against your nuptial bond? Fear, then, lest you drive the wretches, who find themselves imprisoned in your iron cage of marriage, from grief to despair, from despair to crime. You have left them only one way of escape, death: then beware! What mean those dreadful cases, which seem to multiply and which show us desperate hands slipping, in the dead of night, poisonous ingredients into the drink of sick husbands? Here, indeed, is terrible significance. Crimes do not always represent bad passions merely; they are often the bloody evidence of a natural revolt, and as it were the cry of a great need.

If you deny to women what is just, they will long for what is not so; your cruel refusal depraves them. Maddened by their sufferings, they lay the blame of them, not upon the abuse of marriage, but upon marriage itself; and so behold, their ears opened to those fatal theories which recommend to them not one divorce, but twenty successive divorces—that is to say the abolition of marriage, which means Free Love.



CHAPTER VII.

FREE LOVE.

THE “free woman!” Many serious men will say, that to attack her is but to provide for an imaginary danger; the female free-lover is dead. Yes, the reptile is dead, but the venom

son is not. Those burning pages circulate everywhere, wherein the courtesan with her fickle loves is celebrated as the ideal type, while the mere vulgar wife, who shuts herself up in a single affection, is despised as a poor, spiritless creature, who deserves indulgence on the ground that she lacks sense. It is then the duty of every moralist who encounters these doctrines in his path to attack them promptly, were it only to extricate the cause of progress from any alliance with them.

Moreover, a few passing words will suffice to expose the absurdity and depravity of the pretended system.

Some years before the appearance of the modern theories, a legislator, Saint Just, had condensed the conjugal code in a single phrase, wherein everything was comprised—the publication of bans, the responsibility of the parents, the civil and religious ceremonies. This synthetic definition was, “All who love each other are married!”

How simple, concise, and satisfactory the formula! Indeed it does not alone apply to that last created of the universe—man; it embraces all natural history; and from fish to bird, from the lowest of the mammalia to the noblest human being, all races, all living things may find their definition of marriage in the phrase, “All who love each other are married!”

So here is the theory of free love—except that the idea of Saint Just was only the moral law, the law of nature; its new expounders would make a religion of it. I was present one day at an exposition of these dogmas, when an apostle, after some very mystical developments anent the glorification of the flesh, cried out: “Your institution of marriage rests on an impious principle—that a woman ought to love but once. Love is the only education in the world. Now to consecrate marriage is to limit love, and to do that is to extinguish it. It is with the affections as with the air; the purest air, that which most abounds in life-supporting elements, acts happily upon our organization only for a time, and the habit of breathing it continually impairs by degrees its beneficial action. So with the passions: the first years of love are fruitful for both

souls, by the interchange of generous sentiments ; but as soon as they are acclimated to each other, there is no more healthy action. "*Detach* then your married criminals, that they may be lifted towards new companionships, to be enriched with new affections ; and so skipping from love to love, from soul to soul, the woman and the man will advance rapidly in moral improvement ; for the law of change is the law of progress, as it is the law of pleasure. Herein is our religion !"

"This is charming," remarked one of his hearers, "we are religious without knowing it ! But, sir, permit me a question." "Well, sir." "In your successive marriages, as you call them, what should be the limit ? Is there any ? Do you impose any limit of duration upon them ?" "Of course, a reasonable time." "But what do you understand by a reasonable time ?" "Say two years." "And why two years ?" "Then one, if you like that better." "And why a year ? Why six months ? Why a fortnight ? Some people need more frequent change of air than others. You, for instance, are of a sluggish temperament, and assimilate but slowly the nutritious elements of the atmosphere ; but I acclimate quickly. It is necessary, for my moral improvement, that I should marry very often—that, in fact, I should have a new wife every day." "Sir, this is mockery." "Not at all ; it is only a practical application of your doctrine. It seems to me that if a man were to marry two women at once he would be more religious." Here the apostle darted a scornful glance upon his questioner, and departed ; for indeed he had said quite enough ; under his words it was easy to detect the two dogmas of his "religion"—the consecration of the corporeal appetites, and the superiority of passion over moral law.

Certainly, I do not ignore the physical in our nature ; I am not of the school of Armand, and I say with Clitandre, "I love with all myself ;" but to proclaim the body the equal of the soul in the relations of tenderness, is for ever to destroy love itself. Love may be found in the heart of an ascetic, never in the heart of a libertine.

To make passion superior to duty is to subvert all morality. Passion is the wind that drives the bark, the wave that tosses it, never the rudder that steers it. Marriage without love may bring despair; but love without duty comes to dishonor and depravity. If you apotheosize passion, you should, in all fairness, canonize also its offspring—taste, caprice, licence even.* What becomes of the soul in the midst of such dis-

* Motives which our readers, and especially our lady readers, will easily appreciate, deter us from prying too closely into the theory of free love. However, we may be permitted to quote here an argument, entirely new and very curious, which has been addressed directly to me in a letter from one of my audience in the college of France, Mademoiselle Henrietta W——. (The argument is borrowed from music. Here it is.) “The *free* woman,” says the writer, “is as pure in the world as she that is chaste, for she has, like her, her peculiar part in the concert of passional and moral forces. Social harmony will be complete only when the free woman is recognised as the equal, the sister, of the chaste woman—as musical harmony is completed only by perfect unisons and discords. In the beginning, the chant was the only music, and perfect accord the whole of harmony. No sevenths, no startling discords—therefore no songs of love. By and by, some daring artists indulged themselves in the execution of church music, in excursions beyond the consecrated limits; sometimes it was a skipped note, sometimes an embellishment, which produced those irresistible effects which filled at once the souls of the musician and his hearers. The Church became excited, and its thunderbolts were hurled in defence of the established order; all eccentricity, all boldness was forbidden, under pain of anathema. It seemed all over with music, all over with musicians—when happily there arose in the midst of the Church an asylum which took into its service *free* music. This asylum was the theatre. Little by little appeared in this new sanctuary (thanks to the genius of the masters!) new harmonies—those dissonances, sometimes soft, sometimes penetrating, sometimes subdued, sometimes wild, which blended with the perfect harmony that had repelled them. So that harmony increased, was purified by the working of these attributes, and, blended with discords, resulted in an effect so ravishing that the Church itself opened its ears to receive the music it had so long proscribed. How radiant, how proud the day, when the voice of those poor reprobates resounded under the dome of the temple! Those outcast discords, now choired with perfect unisons, mounted in ecstasy towards heaven, an admirable harmony!”

And such will be the concert of the social world when society has recalled into its bosom and united in its honors the chaste woman and the “free.”

soluteness? The practice of duty, on the contrary, has this admirable quality, that it not only appeases the demands of passion, or at times consoles it for past intoxications, but that it alone keeps it alive and even renews it. Let a young man and a young woman, who are married from choice, commit the keeping of their happiness, not to love, but to the moral law, and their attachment will be perhaps eternal. The more they tighten the chain that binds them, the more they arm themselves with the injunction, *I ought*, in order to reserve themselves wholly for each other—the more they make, as Job says, a union with their eyes—so as to see themselves alone, the more, finally, that they impose an absolute interdiction, he upon his habits of masculine licence, and she upon her instincts of coquetry—the more, rest assured, their tenderness, nourished by all these sacrifices, will exalt and ennoble them. It will become a virtue without ceasing to be a sentiment; they will enjoy their happiness as a good action.

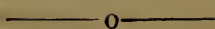
Duty! duty! divine brother of toil! high and holy law! which reanimates even those whom it oppresses, and heals even those whom it wounds! God of the strong and savior of the weak! Counsellor, consoler, the only immutable rule in the midst of fashions that change and vanish! Polar star of the human soul! I cannot pronounce thy name, too often despised in this day, without saluting thee with homage. For him who listens to thee, wealth becomes an obligation, poverty a discipline, power a trust, and liberty a restraint. All societies, civil as well as conjugal, can exist only by accepting thee for their master, for it is thou who hast said to us: "Thou art fortunate, bear it! thou art unfortunate, bear it!" Surely thou dost condemn us sometimes to be sorely tried; thou forcest us to toil up Calvary; thou piercest our side with thy lance; but all bruised by thy salutary blows, our heart, in the act of accusing thee, adores thee in spite of itself, and cries to thee, as the crucified Jesus to his Father: "Father, into thy hands I commend my spirit!" Let us then engrave thy sacred

name on every line of this history of marriage; for thou art marriage itself!

Our examination of married life is finished; we have claimed for the wife: 1st, Majority; 2d, The right to manage her own personal affairs; 3d, The control vested in a domestic tribunal; 4th, Elevation of the type of marriage; 5th, The temporal institution of divorce.

To what do these reformations tend? To curtail the rights of the husband? No; to create those of the wife. To deprive marriage of its governmental authority? No; to solidify that government by justice. To destroy the principle of unity? No; to enlarge it by developing the two elements that compose it. The whole is summed up in this sentence: "Nature says two, we say one; we must speak as nature speaks." This principle will still serve us as a guide in our examination of the maternal condition.

BOOK IV.—THE MOTHER.



CHAPTER I.

MATERNITY, IN THE PHYSICAL AND MORAL WORLD.

WHEN, in thought, we dwell on the maternal character, when we pronounce that simple word, “mother,” suddenly all the memories of kindness and devotion that gather about the name, so fill us with reverence, that we doubt at first whether there can remain any legitimate right to claim for her. To speak of emancipating her, is like a libel on the popular conscience. Looking around us and into the depths of the most unbelieving heart, we find, everywhere, a sort of worship for the title of mother. Tell that scoffing young gentleman, for instance, whose whole wit is expended in satires on woman’s virtue, and who ridicules that very virtue as a sham, that his mother forgot herself once! And behold, he is furious with indignation, he will give you the lie, he will challenge you perhaps. Every pure emotion is roused as soon as her honor is called in question. What man, however rude he may seem, does not step aside with deference to give place to a pregnant woman? There are many who are ready to pardon her for stealing, to support her child; and the sentiment of maternity refining even nudity, the sight of a young and beautiful woman nursing her babe will never inspire an honorable man with a sentiment less delicate than a

chaste veneration. In fine, nature, and man as well, seem to set a crown upon the head of the woman who has become a mother,—a crown of beauty and holiness. An illustrious modern savant has demonstrated that a woman who has never given birth to a child is an incomplete being, often indeed overcome with a sickly languor. It is not enough that she is loved, it is not enough that she is a wife—she must be a mother. Like the soul, which attains its complete strength only in passing through the trials of life, the body of a woman finds in the pangs of gestation its full power of development. Even the rude office of nursing* renews the organs which it would seem necessarily to exhaust. The chest expands, the shoulders are thrown back, the head rises on the neck firmer and more pliant,—in short, the woman appears to us a finished creature only when she has a child in her arms. Even the theatre has never dared to tamper with this character of woman. The stage has represented faithless wives, Cains, and matricides; but of mothers slaying their children, we find but one in the poetry of history, and that is Cleopatra. In our day, when every experiment has been tried, when recourse has been had to exceptional tragedies as a means of novelty, not one pen has ventured to sully this sacred type, and the illustrious poet of the *Orientales*, though uniting in a single theatrical character incest, rapine, murder, debauchery, yet thought, by inspiring her heart with a mother's love, to raise her to the rank of a human being—that the name of mother could even atone for that of Borgias. Mother is the only God here below without an atheist. Yet would you believe it? In spite of this consent of all human hearts, science for four thousand years—that is, even down to the present century—has denied to woman the title of creator; and savans have pretended that the mother is not a mother. This fact, curious as well as important, demands our closest

* We borrow this and the preceding facts from the learned M. Serres. He spoke, be it understood, of women married at a ripe age, and not of children of sixteen condemned to be mothers.

examination, for herein is the whole question of woman's freedom, with God himself for a judge. I was one day perusing the primitive memorials of eastern legislation, searching for whatever related to the maternal office, when all at once my eye fell upon a sentence which made me start with astonishment. It was this: "*The mother does not beget, she bears.*"* The mother does not beget! What then is the mother? What then the child? I ran over the following lines, in the hope of arriving at the meaning of this enigmatical blasphemy, and I read: "When you select a suitable season, and sow in a well-tilled field the ripened grain, the seed soon springs up again in a plant of its kind. It matters not whether it be rice or millet, the field will give you back what you gave it; for it is of no account in the creation of plants, it merely contributes to their nourishment; and the seed in vegetation displays none of the characteristics of the soil."

"So is it with the reproduction of human beings: man is the grain, woman the soil; and she in no wise determines the character of the child, but simply gives back what she has received; and the son is born, endowed always with the qualities of him who engendered him."†

These ideas, against which mere common sense protested, seemed to me so monstrous at first, that I rejected them, as of the thousand fantastic notions of the East; and to absolve antiquity from such a doctrine, I turned to Aristotle. What did I get from that great man? Just these words, "The father alone is creator." Then I sought refuge in the Middle Ages, and appealed to the science which at that time embraced almost all other sciences—theology. Saint Thomas, in his chapter on the Order of Charity, tells me: "The father should be more beloved than the mother, since he is the active, she the passive principle." Next I questioned the scholars of the succeeding centuries, and almost all repeated the doctrine of

* *Laws of Menu*, b. iv. v. 28, 29.

† *Ibid*, 8, 30, 31.

Menn, "The creative power is male. The offspring of all animate beings is marked with the male."* Finally, the illustrious naturalists of our own time, taking at once example and support from the Indian genesis, and borrowing its comparisons as well as its arguments, have gone still further, and have said: "There was a *first* oak, which, covered with acorns, contained within itself not only the oaks to which it gave rise, but the oaks that sprang from those, and those which still succeeded. All subsequent generations of oaks, enclosed with their latent forces in those first acorns, under the form of germs fitted one within the other, have issued in their turn, and still continue to issue, like the leaves which they successively unfold. Such is the image of the human genesis. Adam contained within himself, not only Cain and Abel, and their sisters, but every human creature who has been born since the beginning of the world, or will be till its end. As for Eve, her only part in the perpetuity of the human race was that of the soil, which received and nourished the seed of the oak. Eve was the nurse."

I confess when I read these words, when I saw such statements based on a series of physiological observations, when I found them accepted and adopted by more than one immortal name, my anxiety was profound and earnest. For we cannot dissemble the fact, that the whole question of woman's equality with man is here on trial. If this is true, God himself has decided. If the work which seems most completely woman's does not belong to her—if the child she bears nine months in her womb is not of her making, but merely her burden—if the matrix, that divine cradle, which, like a human creature, seems to tremble, and quiver, and love, is but an inert receptacle, without influence, and without the rights of a creator over the being it has received, woman henceforth plays in the world but a low and subordinate part; she is but a useful assistant—nothing more; and all the servitudes to

* *Laws of Menn*, b. ix. v. 35.

which man has subjected her are consecrated by nature itself.

This deduction is so logical, that in every country where this scientific doctrine has prevailed, the curse upon the mother has passed from science into law, and sometimes even into the manners of the people. The Indian law says, "Respect thy father and thy mother;" but it immediately adds, "Thy respect for thy father shall alone open to thee the world of upper air."* Love for the father was a religious duty; for the mother, simply a manifestation of human gratitude. In the heroic times of Greece, Agamemnon dies, slain by Clytemnestra. Forthwith Apollo summons her son Orestes, puts a dagger in his hand, and commands him to strike Clytemnestra. And in the *Eumenides* of Eschylus the monstrous doctrine is laid down that Orestes was not a parricide, because it was only his mother that he slew. Apollo himself pleads the cause of Orestes before the Areopagus: "The mother," he says, "does not generate *what is called* her child." Minerva, called upon to vote, says, "I am entirely for the father; Orestes should be pardoned." And the Areopagus, the supreme court of Greece, a tribunal which we may say represented the ancient ideas of justice, is inaugurated by the pardon of a matricide—that is, by the proclamation of the principle, that "The mother does not create her son." In old historic times, when there were no family names in Greece, and every child at its birth received a different one, the father alone had the right to name his children. In the modern world, only the name of the father passes down to his posterity; when Nobility was instituted, it could be transmitted, as a general rule, only through the father; and to-day among all classes the right of control belongs only to the father. Indeed, this pretended pre-eminence of paternity has given rise to a ridiculous custom, well known as a fact, but the hidden meaning of which is not so well understood. In

* *Laws of Menu*, b. iii.

certain nations, not only does the husband, who has just become a father, take toast with wine to repair the strength his wife has exhausted, but he takes to his bed, with soothing drinks and light nourishment. This fact, which may seem but a caprice, is in reality a symbol. In nothing is the absorption of the mother into the personality of the father more absolutely illustrated. Nothing could more clearly prove that in the opinion of these people the bond of descent is only from the man to the child, and that this bond is so strong that it is not broken by birth. The child, although apparently living its own life, is yet subject to all the consequences of the father's health. If then the father protects himself against the changes of the atmosphere, it is for fear that his child may take cold. Such a husband is even more autocratic than Louis XIV., with his "I am the State;" for he pretends to comprise in himself alone, father, mother, child, and even nurse.

One school of science among us still held to the "first oak" theory, when an authoritative voice protested against the impious system. Inspired by the unknown or unappreciated labors of several savans of the later centuries, one of the most eminent of living physiologists, the friend and disciple of the illustrious Geoffroy Saint Hilaire, the truly learned man, whom all the physicians of France unanimously elected to be their chief at a medical congress,* fiercely attacked this robbery of the mother. Armed with all the resources that modern industry lends to science, strong in the connected and often-repeated observations of twenty-five years, he finally claimed for the mother her true place in creation, by claiming for her the creative faculty.

The science of the past said, The matrix receives the child ready created, and the successive appearance of its various organs is but the development of parts already existing, which our imperfect sight cannot detect. Modern science, guided

* *Précis d'Anatomie transcendante*, chap. vi., De l'épigenèse, by M. Serres. *Etudes cliniques sur les Maladies des Femmes*, by M. Mathieu.

by analysis, said, No! the child is not from its conception a complete creature, differing from the adult only in size. No; the mother is not the insensible soil whose office is but to nourish! Observe the child during the whole period of gestation, with the new eyes that a new skill bestows, and you will perceive that it passes successively through all the degrees of being: at first it is mollusc, then fish, then reptile, then bird, then mammifer, then man; it is constructed, as it were, piece by piece. What, then, becomes of the theory of paternal agency? it falls; for it is not the father alone who creates the child, since the child has not yet been created when the paternal function has ceased. A second agent is essential to reproduction—and that is the mother, the mother who assists the child to acquire each of its organs; the mother who endows it with all its powers, one by one; the mother who progressively elevates it to the human type. The mother, then, contrary to the exploded oriental doctrine, plays a part at least equal in importance to that of the father in the production of their progeny. To him belongs, it is true, the first impulse, but to her the gradual development.

Many interesting examples drawn from the natural history of plants, animals, and men, illustrate the power of this maternal agency. Hybrid flowers, as we all know, are produced by crossing flowers of different species, but the same genus. Take, for example, a red geranium, and the geranium called “the king of the blacks;” introduce the pollen of the one into the pistil of the other, and there will result from it a new variety, a hybrid. Well, this hybrid flower will almost invariably reproduce the maternal rather than the paternal type; that is, if the red geranium is the female, the hybrid will resemble it, and the flowers that spring from it will tend always more and more to return to that kind.* So with ani-

* We have drawn these interesting remarks from M. Mathieu's book, entitled, *Etudes cliniques sur les Maladies des Femmes*, 3d part, chap. iv. Few works are richer at the same time in facts, in philosophical observations, and new points of study.

mals ; cross a horse with a she-ass, and the result is a " donkey," which resembles the ass rather than the horse. Cross, on the contrary, a he-ass with a mare, and you have the mule, which reproduces the horse rather than the ass. And, finally, as to races of men. A race of conquerors establish themselves by force among a foreign people—as, for instance, the Franks in Gaul ; and what, for the most part, is the result of their crossing with the native women ? That after a few generations the people proceeding from such amalgamation present the characteristics, not of the conquerors, but of the conquered ; the maternal has absorbed the paternal type. Hence the true saying of Etienne Pasquier : " Gaul produced Gauls."

This power, reserved to mothers, of transmitting to their posterity their type-characteristics proves beyond question the importance of their agency in human reproduction ; and hence their glorious prerogative of continually restoring the several types in nature, each to its proper individuality. They are the preservers of all the races created by God—that is to say, of all there is of original, characteristic, and various in the human family.

An influence still more exalted is reserved for them in the development and culture of the human race, one which claims all our attention.

Among the wonders of which every day our organs are either the witnesses or the performers, there is one which has always appeared to me more remarkable than the rest. Protracted labor fatigues you, prolonged watching dulls your perceptions ; well, quit your confinement, breathe the free air but for a few minutes—and all at once your head becomes clear, your heart beats freely, the lassitude of your limbs is dissipated. Go out from the city into the country and the mystery is complicated, as the influences of the occult and beneficent agent are multiplied. There the air not only dispels your transient discomforts, but wholly renews your being. Nourishment restores you more appreciably perhaps, but in restoring it makes you dull. Wine arouses you, but in arous-

ing it enervates ; the air, on the contrary, is at once mild and strong ; it calms and strengthens, it seems to reach your very soul. Truly, when with expanded chest one inspires a pure atmosphere, he feels his heart dilate to generous sentiments. Who has not experienced this ? Who has not felt himself thus lifted above the earth, and shaking off his grosser chains, and all enchanted with the new life that circulates in him with the subtile ether, found himself dreaming—even of a new world, a heaven, where, like the inhabitants of the Elysian Fields whom the genius of Fenelon created, man shall be nourished only on perfumes and light ? What a marvellous spirit then is air ! How admirable the machinery of respiration ; and if, in the distribution of our organs, God had established a hierarchy, this should have held the first rank. Indeed the perfection of the respiratory apparatus seems the measure of a race's superiority. Among animals the feebler the pulmonary apparatus, and the lower its situation in the body, the lower the creature in the scale of animal life. How do we improve the breed of horses ? By the race horse, for he is but a respiratory machine in perfection. Among the human races, in proportion as the type is elevated, the pneumatic machinery rises, as it were, and draws with it into a higher situation the heart, the liver, and other organs ; and when we come to the Circassian, and particularly to the Celtic race, we find the chest enlarged, the neck elongated, and the seat of respiration firmly established between the shoulders.

Now—and this is the point to which these observations tend—which of the two human beings possesses the most perfect respiratory apparatus ? The woman.* To which, consequently, in the great drama of reproduction, does the leading part belong ? To the woman ? The woman then is not only the preserver of the type of her peculiar race, but the depository of the characteristic sign of the superiority of the whole human race over the animal, and of one race over another

* All these facts, so curious and interesting, have been explained to us by the learned M. Serres himself.

which resembles it. Man, like the inferior species, breathes with the lower part of the lungs, the woman with the higher ; she is in more direct communication with the regenerative atmosphere, as if she were placed at the very source of the celestial and mysterious aliment. Thus are a thousand puzzling phenomena explained. It has often been remarked with surprise that women eat much less than men, even when they work as hard. That is because they live especially by the lungs. They live (to make use of an expression which has often been turned contemptuously against them, but which is the very metaphor for their nature), they live upon air. Not one of us but has often met, even among men, with one of those nervous beings, without muscular force, consuming little, repairing slowly, and yet supporting superhuman fatigues. What is the secret of their force ? They live upon air. The French race is the true type of man. An inexperienced general encountering for the first time on the field of battle those terrible conquerors of Egypt and Italy said, on seeing their slight figures, slender limbs, and sallow faces, " We will rout them with a breath." Next day he wrote, " They are demons." The brave German was overwhelmed with astonishment ; he surveyed his round and burly limbs, he weighed himself, he felt himself, and he asked how it was that such as he could be defeated by those little fellows, five feet high. It was because those little fellows found their force and their recuperative supplies elsewhere than he. He could not march, and he could not fight, unless his stomach was well filled ; and that was but fair, for anatomy teaches us that nature has provided him with a foot of intestines more than us ; but give the Frenchman a chunk of bread and a sip of wine, and he will go to meet his enemy at the ends of the earth. Because no people so much as the French people are sons of the woman. Because among no other people has the woman so impressed her character upon the pneumatic apparatus ; because, finally, no people live so much upon air.

And, besides, all languages have rendered homage to the pre-

eminence of the respiratory organs, by borrowing from them several terms expressive of high moral qualities.

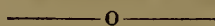
Spirit, in English, signifies noble enthusiasm. The word *spirituality* comes from *spirare* (to breathe). *Esprit* is the most powerful, the most ethereal part of wine—and, at the same time, that charming quality of the intellect which is to the thought what the flame is to fire, the ether to the atmosphere, the flower to the tree. When we would describe poetic genius in the fulness of its power, we call it inspiration. Saint Augustine, too, in beautiful words—so penetrating, so profound—has uttered that cry of the heart which tells the whole story: “*Orare, spirare*—to pray is to breathe.” Prayer is the breath of the soul, ascending to God! Then respect the custodian of the organ which represents all that is most incorporeal in the body, and serves as the medium between the world of matter and the world of thought. In the face of such credentials of freedom we are no longer at liberty to declare the mother inferior to the father. She shows her original title to equality inscribed in her own organization by the hand of her Creator. And turning against our opponents the arguments with which for four thousand years they have condemned the mother to the lowest place, we may tell them in our turn, “She is your equal by divine right.”

Such is maternity in physical nature; moral nature reveals it to us in a still more exalted form. In the lower animals maternity alone is an affection; paternal love with them is but exceptional, their sexual love an instinct; but maternity gives them foresight, tenderness, devotion, even heroism. The lioness, robbed of her whelps, becomes “terrible as a lion,” while the lion himself takes to flight. I was once struck with the courage of a young linnet; she had built her nest in a small tree, about as high as one’s head. The male and female, according to the custom of those pretty birds, keep the nest by turn, to sit on the eggs; now if I approached when the father was on guard, he flew off—fluttering, crying, troubled to be sure, but still flying away. But, on the contrary, when the

mother was on watch, she kept her post. In vain did I approach and touch her—she sat still. I saw her little heart beat under her wings, her black eye dilate and glitter with terror; but she never budged. There, indeed, was love! there was courage, because there was fear—devotion, because sacrifice. By maternal love the animal rises almost to the human, and the human soars even to the divine! What father, indeed, may dare to compare his tenderness with a mother's? God forbid that I should deny the existence of paternal affection; but to the man paternity is an accident, and, as it were, a fiction; but to the woman maternity is her very life itself. Have they who would deny her the title of "creator" never seen a mother receive in her arms her newborn child? Then they have never contemplated that divine first glance which for once inspired the fiery Rubens, in the face of his *Mary de Médicis*, with the tender genius of *Raphael*. Have they never beheld a mother following the first steps of her child, listening to its first word, or alas! receiving its last sigh? When his child dies the father weeps, but in him time respects this grief no more than others; but in the mother the wound never heals. We sometimes see faces of women whereon is set a peculiar seal of despair. The paleness, the gentleness, the hopeless tone of the voice, the head bowed upon the breast, tell of something irreparably broken, irretrievably lost, and make your heart ache. Ask one of them the cause of her sorrow, and she will almost always tell you she is a mother who has lost a child in the tender flower of his youth. A woman, who had lost her son ten years before, being herself seized with a mortal disease, cried in the midst of her agony, "Oh how my poor boy must have suffered!" Wrung by her own pangs, she thought only of her son's—and such is the mother's passion. Without its like in the world, it springs up in a moment—infinite, without limit, without calculation! so powerful as to transport her who experiences it beyond the laws of nature, to make grief a pleasure, and privation a joy; and that not accidentally, fitfully, as in love;

but continually, and without respite. Time does not wear it out, nor old age chill it, for there is no more decay in it than there is *improvement*—that other sign of imperfection. On the first day of the world it was as perfect as it is to-day, and Eve knew as much about it as Hecuba or Queen Blanche. Is that enough to say? No; another miracle—it thoroughly renews her who experiences it, and it is her guardian and her educator. Taught by it, the coquetish woman becomes serious, the giddy thoughtful—it enlightens, it purifies—it signifies virtue and intelligence, as well as devotion and love. It is, in fine, the whole human heart!

We have thus seen what character God has assigned the mother in the moral and physical world; let us see now what part the laws have assigned her in the social world, and to what they should appoint her.



CHAPTER II.

INFLUENCE OF THE MATERNAL TITLE ON THE CONDITION OF WOMAN.

WHEN we follow attentively in its various vicissitudes the course of woman's destiny, the mind is arrested by an inexplicable and yet universal contradiction; the fruitfulness of the wife gives her, as we shall see, scarcely any legal right over the education and management of her children, and at the same time it serves her for a thousand *extra-maternal* privileges. The mother is without power as mother, but she breaks some links of her chain as wife and woman.

In India the fruitful wife assumed the title of *Djajaté*, "she who renews," because through her her husband is renewed; and to this title were attached the offices of watching the sacrificial fire, distributing alms, and receiving guests—an

honor much prized among the Orientals. The *Djajeté* could be repudiated only at the end of twelve years, if she had only daughters—never, if she had sons.* Among the Jews we see, in the remarkable act of Rachel, what a paramount part maternity played in the destiny of the wife. It was not only her consolation and her pride, but her support also. Hannah, the wife of Elkanah, is barren;† therefore she weeps, and dares not go to the temple. Her proud and fruitful rival, Peninnah, the second wife of her husband, humiliates her, and loads her with sarcasms. Hannah cannot reply—she is barren. Her husband offers up a sacrifice, and gives to Peninnah and her children several portions of the victim; to Hannah but one—she is barren. And even this portion indeed she dare not eat—she is barren. Prostrate at the feet of the Eternal, and bathed in tears, she is so distraught in her grief, that the high priest would drive her away, as though she were drunken. But the Lord has pity on her—she conceives, she becomes a mother. Then her lips utter that rapturous hymn, so often repeated: “My heart rejoiceth in the Lord; mine horn is exalted in the Lord; my mouth is enlarged over mine enemies, because I rejoice in thy salvation!” A sublime song of thanksgiving—not only an expression of maternal rapture, but a hymn of deliverance, the joyful cry of a captive whose chains have fallen from her.

In Greece the married woman was kept for a time as rigorously secluded as the maiden, and could hardly, without permission, go from one room to another. But as soon as she had a child, her seclusion ended.

At Rome, maternity endowed the wife with the right to inherit from her husband, the right to inherit from a foreigner.‡

* *Digest of Hindu Law*, v. ii. *Laws of Menu*.

† 1 Samuel, ch. ii.

‡ Under the primitive law, if the husband died intestate, the wife was excluded from the succession, even by the fiscal law (*Justinian*, Novel 53), and she must have fallen into poverty in order to be entitled to a portion. Though her husband left her all his inheritance, she could receive only the

When the civil wars had depopulated Italy, a very ingenious edict of Cæsar, whose intention is wittily shown by Montesquieu, declared that only wives who had children might wear jewels, and ride in litters, before forty years of age. This was licensing coquetry, to re-people the republic. Soon the wife, by the mere fact that she was a mother, procured more than one privilege for her husband: she acquired for him the first right to bear the fasces, if he was consul—to speak first in the senate, to aspire to the magistracy before the prescribed age; each additional child dispensed with one year. The more favors thus procured for the husband by the mother, the more motives of affection in the household; in short, the personal independence of the wife had this origin.

At Rome the wife was always a minor. “The ancients decided,” says the law of the Twelve Tables,* “that woman, on account of the levity of her mind, should remain under guardianship.” Child or woman, maiden or married, mother or barren, orphan or not, she was subject to the rule of another. If she was a maiden, her father was her master; if married by *confarreation*, her husband. If her father and her husband died, she fell under the care of her nearest male relative. This relative dead, the guardianship passed to the next relative. If she lost all her relatives, the Attilian law† required the magistrates, or tribunes of the people, to name a guardian for her, who was called the Attilian guardian. This chain was never broken; one link failing, another always remained.

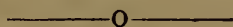
tenth. The Julian and Poppæan laws decreed that the wife might receive one-fifth of the conjugal inheritance if she had one child, a third if she had three; and they called this *jus liberorum*—the right of children. A new law allows her to inherit with her husband from a stranger, a privilege forbidden to the unmarried and to the *orbi*—those without children.

* Leg. xii. Tabularum: Tab. Quinta. Veteres voluerunt fæminas etiam perfectæ ætatis, propter animi levitatem, in tutela esse. Itaque si quis filio filiaevæ testamento tutorem dederit, et ambo ad pubertatem pervenerint, filius quidem desinit habere tutorem, filia vero nihilominus in tutela permanet.

† *Ulpiani Fragmenta*, tit xi.

Now, what at last abolished this ancient servitude? That sovereign talisman, the title of mother. At first, a *senatus-consultus* of Claudius decided that a noble woman who had three children, or a freed-woman who had four, should by that fact alone be free from the guardianship of the kinsman—that is, she should be mistress of her property. Next, the guardianship of the father was limited to the minority of his daughter; and finally the Attilian guardianship itself was abolished, and Roman women ceased to be wards on becoming mothers.*

Such were the extra-maternal privileges which the woman and the wife owed to maternity. But, by a strange contradiction, their emancipation stopped there. Free through their children, they were free neither to control them, nor educate them, nor marry them. An examination into the rights of direction, education, and marriage will demonstrate this.



CHAPTER III.

THE RIGHT OF DIRECTION.

THE authority of parents over their children is, at the same time, a right and a duty; it has its source in the sacred titles of father and mother, but it springs also from the weakness of the child. In a protecting affection we find the true principle of family authority; if then the legislator deprives the young pupil of his liberty, it is not for the purpose of

* They first allowed a woman (*Gaius*, v. 150, 154) to choose her guardian herself; this was to evade the law. Or rather, they provided her with the means of obtaining the approval of her guardian, in spite of himself; this was to annul the office. And at last, under Diocletian, it disappeared altogether. "Women," say the Fragments of the Vatican, "may name an attorney without the authority of a guardian."—*Fragmenta Vaticani*, § 327.

setting a master over him, but a protector; and the legal power of the parent is especially a measure of safety for the child. These principles admitted, who in the household should be commissioned with the guardianship and control of the minors? The father? or the mother? or both?

To "bring up" a child, is for the parents to embrace in their vigilance every act, every moment of his life. This duty begins with his birth and ends with his majority: his moral education, the care of his health, the choice of the studies he should pursue, of the place in which he should reside, the infliction of the punishments he deserves: all these specialties enter into the general right of management. Now what is essential to the proper management of a child? To be thoroughly acquainted with him; and in order to be so acquainted it is necessary to observe him closely; and to observe him, one must be constantly in his company. Of two persons of equal intelligence, which will know a child best? The one who sees him only occasionally, in hours of leisure between business and pleasure? or the one who is with him as much by night as by day, who has attached herself closely to him from the moment of his birth, who watches by him when he is ill, overseeing him always, guiding his first steps, teaching him his first words, and observing him while he is yet without guile, to take by surprise the secrets of his mind and of his heart in the ingenuous innocence of his first emotions? Evidently the mother (for my portrait is hers) knows her child better than the father.

But to know the child is to know the adult also. Often indeed, at the threshold of life, the future character of the individual is manifested in certain transient but vivid gleams: in a word, an act, the illness of a day, some trait of courage or of cruelty, which Providence affords the attentive observer, as hints of the future man. These traits are lost upon the father; the mobility of the impressions and actions of infancy conceals from his eyes, and even seems to deny, those early signs; but suddenly, after five or in some cases ten years

of disappearance, they break forth anew, and our frightened eyes behold that secret tie connecting the infant with the youth, which we thought broken, because we no longer perceived it.

But happily, the mother has not forgotten, not she! How often in times of illness has the maternal memory, bringing to the notice of the physician some old attack, assisted science and saved a dying child? In the midst of the obscure and tumultuous operations of the boy's soul, what food for anxiety or congratulation does not the mother find in the past! Often she hopes when all others fear; or fears when all others hope—why? because she remembers.

On the other hand, this intimate acquaintance with the child is not sufficient in itself, and sometimes it even implies ignorance of external life. Marvellously clear-sighted as to the characters of their children, mothers are apt to be blind as to the relations in which their lives will be engaged; and often too, their reason is over-ruled by their hearts. Then comes the necessity for a second will. In these deliberations other qualities should be represented; knowledge of the world, the firmness which is scornful of small dangers, the discretion which checks, by sober judgment, a thoughtless enthusiasm; in a word, the presence of the father is essential. A law will then be truly the protector of the child, only when it shall join over its young life these two guardianships—both essential by their very difference.

Now what does our code say?

“The child shall remain until his majority, or until he is free, under the authority of his father and mother.”* So far, so good; but the law adds:—

“The father alone shall exercise this authority.”

Is not such a law ridiculous even in the very wording of it?

And it also says: “The child shall not leave the paternal abode without the permission of his father;” nothing more.

* *Civil Code*, Art. 372.

But the mother? Oh, the question does not concern her! Then the law says: "The father, whose son has given him grave causes of disapprobation, may confine him for one month." This authority is no more than reasonable; a father is responsible before God and man, and to the child himself, for the future of that child, and his power should be equal to his responsibility; he should be able to save *by force*. But the mother? She is not even named. Thus is she legally powerless to protect her children, powerless to correct them, powerless to direct them, powerless to remove them from the home of the family or to retain them there. Words even—those symbols of things—prove this. We never talk of *maternal* authority.

What results from this? On the one hand, the disesteem and subjection of the mother,—on the other, the demoralization and oppression of the family. If the absolute master is severe there is nothing to counterbalance his injustice. If he is weak there is no rein to his ruinous indulgence. Insolent in his paternal power, he will sometimes exercise it in the form of marital domination, and restrict the mother as to the society of her children, so as to reduce her to concessions unworthy of her. "I hold you in bonds by your children," said a husband to his wife; "and if they should die, you would soon have others, and I should remain your master." Sometimes his sense of this power will induce him to say to the mother before her children: "I prohibit you from commanding them in anything; for you are here merely as an animated article of furniture, commissioned to take care of the other articles."

Let no one confront me with his eternal "exceptions;" if excesses are the exceptions, abuses are the rule. All absolute power is condemned, by the very principle of it, to narrowness and egotism—sometimes to crime; and if we could penetrate into the private life of families we should recoil with horror from the barbarities to which this paternal omnipotence at times gives rise.

A recent trial has shown us an excellent woman, the mother of nine children, excluded from the care of them, deprived of their caresses, even of the sight of them. Who does not cherish a remembrance of that mother? Learning of the illness of one of her daughters, and unable to nurse her, she goes to live in a servant's room, that she may thence hear the breathing of the invalid. Secreted in her husband's grand château, she follows with her eyes, from a window, the walks of her daughters, who accompany their father—and another beside their father. Had she then committed some atrocious crime, to deserve so grave a punishment? None; but her master would have it so. A most scandalously public inquest upon the life of this woman, in which her most private actions and her most secret thoughts were glaringly exposed, could not discover in her the least reproach; what of that?—her master would have it so. And for ten years he tortured her thus, with impunity, before the eyes of the world. For ten years he slowly killed her, in the hearts of her daughters; he slandered her to them, he set another in her place. And, worst of all, he committed all these crimes under the very gaze of the father of his victim. Now what did this father, all-powerful by name, by rank, by fortune, do? Nothing; he had no power over the executioner save timidly to supplicate him to be less cruel; and when finally his daughter fell under the blow of a knife, which was but the *coup de grace*, she cried in her despair, “My children will remember me as a hard-hearted mother.”

My God! if such lessons do not enlighten us, what ever can? When will the cry of indignation and of wrath burst forth from the hearts of all honorable men against this law, which tears from a woman's breast the beings she has given birth to, delivers them over, before her eyes, to a stranger, and permits a man to say to her, “You shall no longer be their mother!”

To deprive the mother of her right of direction is to deprive the child of its right of protection; it is to disinherit the one

by dishonoring the other. Yet, certainly, far from me be the thought of instituting in the family two equal powers, having equally the right to say "I will!" That would be crushing the child between two vetoes. We know that for the child the first condition of health, employment, and education, is order—that is to say, the calm and continued influence of one directing thought. We know that distraction kills the feelings as well as the ideas, in young natures; and that education without a fixed intent makes characters without force, minds without justice, and hearts without faith. Then let us have authority, but let it be a *moral* authority—that is to say, controlled and responsible, and liable to penalty in cases of unworthiness; in other words, a Family Council, as a measure of protection for the mother as well as the wife. One article of the code contains the germ of this court of control; for it is not a question of creating anything, or of destroying anything—it is only necessary to generalize principles already recognised.

When a widow, who is also a guardian, wishes to put a check upon her wild son, it is not enough that she address herself to the courts; she must submit her complaint to the two nearest paternal relatives of the minor, and their consent alone authorizes her to exercise her maternal right of chastisement.* Here, then, is the Family Council installed; here is the Family Government subject to inquiry. Why not extend the application of the principle then? Why not urge it in favor of women as well as against them? Why should not the laws, which limit the restraining power of the widowed mother, confirm the protecting power of the married mother? Why in important circumstances in the life of a child, when its education, its future happiness, are compromised by the blindness of the father, should not the mother have the right to summon a family council, and plead there for her happiness and her heart? Let us go on then and

* Civil Code, *Tutelle de la mère*, art. 381.

dare to proclaim that the man *can* be wrong, that the woman *may* sometimes be right; and let us introduce into the family the generating and prolific principle of all legitimate progress—equality! If among the poor, mothers are often without consideration; if among the rich they are often without care, it is because in both classes they are without power. The sense of authority would elevate them in their own eyes, and the certainty of the ability to be useful would give them a wish to become so. Away then with the fear of diminishing the legitimate authority of the father! A chimerical scruple! Obligated to be worthy to exercise it, he would not be less respected for being forced to be respectable.

Ah! if men who exult in the selfish pride of their “authority” but knew the unutterable joy of uniting, in love for their child, with one who loves it as much as they; if they could but divine the sudden light that bursts upon the father’s consciousness, when taking counsel with his wife, he discloses to her his hopes and fears about their son, and when both, leaning upon each other, consult as to his character, confess his weaknesses, and join all the powers of their souls to be sure that they shall make an honest man of him—if, I say, all fathers were sensible of this, they would soon throw down in disgust the dull burden of their sovereignty.

But it is true, that to find such a guide in the mother, we must have sought a lover in the bride; we must respect the wife as an equal, and look upon marriage as an alliance for happiness; and alas! what have the marriages of “the world” in common with such dreams?

CHAPTER IV

THE RIGHT OF DIRECTION.—PUBLIC AND PRIVATE EDUCATION.

THE right of Direction includes the right of Education. But the latter appears under such a variety of forms that it requires particular examination.

Of the different systems of education which prevail among us, some would remove the child almost altogether from the influence of the mother, while others would impose the entire responsibility upon her.

As far as the daughters are concerned,* the parents, as we have seen, have all the responsibility and all the care of their education. The State does not lend its aid. But the sons are taken from the family at an early age, and suddenly confided to the care of a public teacher.

Neither of these systems seems to us quite sound. The true plan is between the two, or rather above them. Private and public education should be combined, for each has its advantages, and the influence of the one, far from excluding that of the other, cannot be complete without it. In order to prove this, let us first state the serious objections against the influence of the mother in the education of her son—for here the question relates only to sons.†

“When we give ear only to the impulses of the heart,” say certain moralists, “the education of the son by his relatives, at least until the twelfth year, seems at first so natural, that we forget to ask if it is *possible*, and if the seducing examples of it which the world presents to us, are not excep-

* It is scarcely necessary to repeat that we here allude only to the wealthy class.

† We have sufficiently treated the subject of the instruction of daughters in chapter 3d, of book 1st; and as to their moral education, no one denies that it should be conducted in the bosom of the family.

tional, or even merely apparent. 'Relatives,' means in fact the father and mother; but the father can scarcely ever educate his son, even until the twelfth year; his profession, his business affairs engross his time. So the duty devolves on the mother. Now how many mothers are capable of fulfilling it? Want of means hinders one, ill health another, a deficient education a third; and peasant women, or those who work at trades, or keep shops, have not the time nor the opportunities.

"As a general rule then, mothers cannot educate their sons. But let us consider the rare exceptions—those who can, and wish to, and really do do it. But how do they do it? To educate a child is a continual care, to which all other concerns must be subordinate; the employments of the entire day, its pleasures, its associations, must give way to this. The careless speech of a friend may counteract your teachings,—so you must watch your friends. The vulgarity of a servant may defeat you—so you must watch your servants. Some idle story, some careless word from your husband, may destroy in a moment the results of twenty lessons—so you must exert a censorship over your husband. As for yourself, you have no longer the right to be vain, coquettish, or capricious, for you are a living lesson; and in order to direct the education of your child, you must first educate yourself. This strict but conscientious definition of duties, does not much resemble, despite certain exceptions, more superficial than positive, that poetical and theoretical maternity, with which the women of our time deck themselves, as with a becoming ornament. They think they educate their children, as they think they nurse them, because they hold a nursing bottle for them. When once they have chosen a tutor (whose proceedings, moreover, they are incapable of controlling), their conscience is at ease, and they abandon themselves anew to a life of frivolous amusement. Such a mother, as she starts for a party, runs into the study, in her finery and flowers, kisses her child, tells him to learn his

lesson well, and is off—leaving in his astonished young soul the discordant vision of the mother at the ball and the child at work. Does any one suppose he is convinced and satisfied by that eternal excuse, ‘I am grown up, and you are a child?’ He obeys, he remains; but in the depth of his heart swell scorn of his own age, and longing for ours, the impression that to be ‘grown up,’ is to be able to do everything—pernicious seed of forbidden fruit. Were this picture but a satire, and could the idea of the mother as a true educator be realized, the right of education, her adversaries always say, would still, in her hands, be fatal to the child.

“Indeed what is rarest among us now is loftiness of soul, and national sentiment. We have manufacturers, writers, lawyers—but few *men*, still fewer patriots. Now *public* instruction can alone make men, can alone make citizens. Maternal instruction, if protracted to the twelfth year, substitutes individual for general sentiments, the sensibility which isolates one’s self for the devotion which identifies us with others. Disinterested love of country is crowded out by an egotistical love of family: a charming egotism, we grant, and full of delicacy and tenderness, but still egotism. With the first necessities of the son’s infancy, then, let there be an end to the education which softens the character, contracts the intellect, and isolates the heart.”

We have fully developed these objections in all their force; it will be so much the more easy for us to reply to them.

In the first place, let us refute the sophistry which maintains that maternal instruction is impossible; the facts argue for us. Do we not see mothers, inspired by a noble enthusiasm, engrossed more and more every day in the education of their sons? Do we not sometimes see them taking a master, and presiding over their darlings’ education by educating themselves; sometimes traversing the whole city in spite of bad weather, to take their children to the public lectures, where, seated beside them on the benches, they take down like them the words of the professor; and thus learning the

lesson in order to be able to teach it. Do we not see them becoming pupils at the age of thirty, so as to fit themselves to be teachers?

Their inclination, their desire, is then unquestionable. But is it legitimate? Let us reply by enumerating some of the benefits of maternal education.

Certainly public education exerts a powerful and healthful influence on the characters of its pupils. It renders them stronger, by compelling them to defend themselves; it renders them more just, by obliging them to respect the rights of others; it humbles the proud, it reproves the vain, it encourages the timid, by the experiences of a rude and simple life. But in addition what lessons does it teach of deceit and envy, of indelicacy, and sometimes dishonesty! Abandon a character a little fierce or a little feeble to the world wherein strength rules, and it may become cruel or cowardly, despotic or base, and prone to other vices which I shall not name. The life of the world is a life of struggle; one should not enter it unarmed. Now who can arm the child? Only its mother. If the mother, educating her child till its twelfth year, has not trained him in lessons of honor and dignity—if she has not protected his uncertain morality against pernicious examples, if she has not indelibly engraved upon his character a horror of deceit, if even she has not strengthened his natural weakness—public education will only crush or deprave him. Let us not repeat the common reproach against the blindness of maternal love; let no man say that to love is not to see—nothing is more clear-sighted than affection; we often conceal the faults of those we love; we sometimes deny them, but we always see them. Let us not urge as an objection the weakness of mothers. There are other weak mothers besides those who make their maternity a pleasure and a duty. A mother who is responsible for her children is more courageous for them and against them than their father himself. When it is necessary that the child should submit to some painful operation, when his blood

is to be shed, the father leaves him, but the mother remains; and I have seen the most tender, the most devoted of mothers, seize her son who had just bitten another child of his own age, and bite him in his turn, till the blood came. Would his father have taught him that heroic lesson? If you would, then, perfect the character of your child, let him be taught by his mother as well as in the schools.

As to the question of *intelligence*, Socrates himself has laid down the rule for us. That great teacher one day sent home to his father a youth who had been committed to his care, saying: "I can teach him nothing—he does not love me." At another time, being asked what his profession was, he replied, "A match-maker: I go through the town studying what men are fit to be joined in mutual friendship, so as to unite them, that in their affection they may teach each other." These words were the summary of his whole educational theory. "Why does one learn?" said he. "Because he loves. Why does one teach? Because he loves. Masters or pupils, all have a common master—Love. He who does not love, and yet would teach, is like a man who rents a farm; his interest is not to improve it, but only to make it pay. But he who loves is like the owner of a field, who from all sides brings to it whatever may enrich the object of his solicitude."

With these ingenious words did Socrates plead and gain the cause of mothers, and establish their all-powerful influence over the intellectual development of their sons. Indeed, nothing so impairs the originality of the mind as that its school education should be begun too soon. If you throw into a bag a number of small pebbles of various forms, and shake them together for a long time, the chafing will soon have made them so many round stones, and all alike. So with children. If too soon committed to the care of tutors, they all grow like each other; the same treatment for so many different minds assimilates them to each other when it does not do worse. How many rebellious intellects, but vigorous at bottom, how many delicate minds or powerful natures,

whose very power required particular care, have been discouraged, disgusted, poisoned perhaps, by this *mess diet*. If they had had a mother's culture first, they would have borne fruit. A mother, with her eye upon her son, feels her way, experiments, begins again and again. What though he be unruly? no matter. Every man has within him some one quality which may serve as a rudder to steer him by; let the mother alone, and she will find it. A mother who takes part in the early instruction of her son, often discovers obstacles, or invents expedients, which escape the observation of the tutor. A young man I have heard of, learned Greek and Law with the aid of his mother alone. Not that the mother knew more than the professor—but between her son and her, knowledge passed from heart to heart.

It has been said of more than one famous man, that he was trained by his mother; and the names of Schiller, Lamartine, and André Chénier, are cited as illustrious examples. Are we to understand by that, that their mothers were their only teachers of history, languages, or poetry? No, but they poured into them that woman's soul without which there can be no truly great man; intelligent enough to take part in these first manly studies, persevering enough to continue them, they mingled with every lesson the mother's milk, which nothing can replace.

Therefore, in order to direct the intellect so as to form the character, both the school and the mother are necessary, but the mother first. And next we come to the heart: Let us leave out of our argument the richest and sweetest half of its dominion—love of family—because no one doubts that a mother's teachings can alone create and foster this; and let us confine ourselves to the most heroic and least individual sentiment—love of country. When and where were women ever known to fail in a great national extremity? Where were they ever so weak as to snatch the arms from their sons, when they should defend their country? We will not go back to Veturia or Cornelia; but were not our ancestors, the

Gallic women, present at the combats wherein their sons and husbands poured out their blood for Gaul? and did they not inspire them by their songs? Did not the French Revolution intoxicate the women no less than the men with the proud name of Country? And did not sisters, daughters, mothers, far from dampening the courage of those who were dear to them, march with them and before them? * Where nationality is strong, the hearts of the mothers are national; nor would they be to blame if the heroic spirit were extinguished in them: the fault would be ours, in supinely forfeiting our rank as a great people. Ah! let public dangers but arise again (which God forbid!), let but the breath of glory and of liberty pass over this French land and over the world again, and we shall see if the women lag behind even those whom we call heroes. Remember, that the hero who most truly represented French nationality, who most loved the people of France (for when some one asked her what motive induced her to take up arms, she replied: "I could not bear to see so much French blood wasted"), and best defended France, was of their sex and not of ours—Joan of Arc!

We may go still farther, and say that patriotism does not entirely consist in hatred of a foreign country; the courage which repels a foe, the ambition which burns for the greatness of one's own land, form but half of this lofty passion; and the divinest emotion it inspires is that fraternal sympathy which attaches us to all our countrymen by either pity or admiration. To be a patriot is not to hate merely, it is to love. Who then, better than mothers, can blend in our souls the patriotism which pities with that which assails, the patriotism which succors with that which slays? If Horatius had been brought up by his mother, he would not have killed Camilla. Mothers teach us that beyond our country is the world above patriotism, humanity; and above humanity itself, floats that

* See in M. Lairtuillier's *Histoire des Femmes de la Révolution* all the details of this glorious movement.

first and holiest object of our worship, God! Only the mother can teach the child to love God. The man who has never had a mother to teach him may perhaps rise to piety by a natural impulse of his soul, but there will always be wanting in his relations with the Creator that familiarity which forms the very foundation of love; he will not have known Him as a child. Who converted Saint Augustine? His mother. Who educated Saint Chrysostom? His mother. Who saved Saint Basil? His mother. Who sanctified Saint Louis? His mother. Entrusted with the precious balm of faith, as soon as a child was born to them, those Christian mothers left neither the cradle nor the bed, until they had poured, drop by drop, into its half-open mouth the pure milk of the gospel. From mothers sprang that race of martyrs, so noble and gentle, blending the lion and the lamb; it was mothers who created that army of crusaders, with breasts encased in steel, and hearts clothed on with charity—apostle-soldiers who, like Bayard, made crucifixes of the hilts of their swords; it was mothers who produced that charming company of knights who embellished earthly love with a strangely delightful element of celestial purity. Everywhere, in pious families, from the abode of Marcella to that of Queen Blanche, from the hearts of kings to those of lowly people, we find at that epoch the impress of the mother's spirit: that is, the very spirit of Jesus—Jesus, the divine name that they teach their sons to lisp in their first babblings, and utter with their first words, to adore with their first emotions, and admire with their first thoughts. While Gregory of Nazianzen was still a little child, his mother led him to the temple, and there put into his hands the holy gospels, made him touch them, turn them over, and look at them: as though she would nourish him with them, at least by touch and sight, and transfuse the divine flame into his veins.

As their children grow up, and evil passions begin to appear, how do the poor mothers watch distracted about their souls, where perhaps the holy image is about to be effaced.

A Christian woman, the wife of a pagan of Antioch, had a son fifteen years old, beautiful and intellectual. And a holy terror seized her, for she saw that the heart of her boy might perhaps be lost to her; she believed his father would introduce him to corrupting pleasures, and that she would be too weak to wrestle alone, and save him whom she had brought forth. So by a sort of inspiration she enticed into her house one of the holy hermits who dwelt in the mountains, and devoted his whole life to meditation; and when he was there, at once, without preparation or premeditation, she ran to the chamber of her son and brought him to the holy man, and pulling him, as it were, into his arms, cried, "Here is my son, and you must save him! You must abandon your solitude, your life of seclusion, and come and live here in this house, so as to take charge of him. If he had but me to answer for him, I would give him to you, and would say, 'Take him away;' but his father would not consent, so you must come here." And then overcome in spite of her strength, and weeping, she cried, "Grant me this boon. Here is the soul of my son exposed to extreme peril. If you are so cruel as to refuse, I call God to witness that I have omitted nothing which could avail for the salvation of my child's soul; and if one of those accidents so common in the midst of this world's corruption should happen to him, God will call you to a most rigorous account, and your hands, into which I would now commit him, shall be responsible for him."*

What vehemence! what passionate energy for the salvation of her child! Ah! this, this is why mothers should have the training of their sons till they are twelve years old—that they may take them again under their influence when they are eighteen or twenty.

The law limits the authority of the father and mother to the minority of children; but is their influence to cease with their authority? When the age of passion hurries the young man

* Saint Chrysostom, *Monastic Life*.

into the tumultuous life of the world, are the maternal warnings to become useless to him? Who shall preserve in him an inclination for good, even amid the disorders of evil? Who shall save him, if not from crime, at least from vice? His mother, if she has directed his early years.

There are, they say, certain things that a mother should not know. A mother should know everything, in order to comfort or correct in all things.

This position, however, is not without its dangers, which it is important to notice.

So long as the young man's confidence is, for him, but a requirement of conscience, and for his mother a means of guidance, it is her duty to accept and encourage it. But as soon as the perils of confidence begin, and their conversation is but an opportunity for the youth to confess his passions, the mother should cut it short. Her womanly modesty, as well as her maternal dignity, would be outraged by the recital; her complaisant attention would then become complicity. Let her guard herself strictly against that vanity which is so ready to plume itself on what the world calls success. Many a mother who invites such confessions under the pretext of interposing her authority, is secretly pleased to listen to the details of her son's triumphs. In vain would her countenance counterfeit a stern expression; in vain does she drop here and there a word of reproach: her sparkling eyes, her lips smiling in spite of her, her curiosity eager to know everything, reveal even to the son that not a counsellor but a confidante is before him.

I would allude to another maternal indulgence, still more culpable: A youth of twenty seduces a poor servant girl, and his mother quite coolly says, "Such a connexion is better than some others. She is less depraving than an actress, less dangerous than a woman of society; at least he will not marry her, and that will delay his marriage altogether." "But this girl will be dishonored!" "Such girls have no such ideas of honor as we have." "But the child has a mother!"

“Among the lower classes mothers do not feel as we do.”
“But the wretched creature may be burdened with a child!”
“What would you have? My son is young, and dear youth must be served.” In short, are there not even mothers, unworthy of the title, who seeing their sons planning and pursuing the dishonor of a woman, the wife of some honest man perhaps, will secretly favor the guilty design, will whisper in the ear of the yet reluctant fool fine things about their sons, more artful than they themselves believe, and dare, when their conscience reproaches them, to defend their conduct in the sacred name of maternal love?

Ah! let us turn our eyes away, and come back to her who would truly educate her boy! She, too, will follow her son, with eye and thought, toward those whom he would ruin—but only to drag him back, and say to him, “In the name of thy mother, dishonor not her who is to be a mother!” Doubtless he will err in spite of saintly vigilance, but at least it will be through impulsive passion only—never through calculating vanity, or love of debauchery. He will betray no one, he will deceive no one; he may be *young*, but he will always be honorable.

To the passions succeed ambition and business.

As an educator the mother will strengthen the manhood of her son, as she purified his youth. When the heavy cares of the struggle weigh him down, to the same arms in which all his childish griefs found refuge he will come again to find something of the tranquillity and the good resolutions of his boyhood. She knows all the pleasant words that soothe him—she who has comforted him so often. She passes those caressing fingers, which quieted him in his cradle, over his brow, and through his hair, which now is growing grey, perhaps; she calls him *My child*, and that pleasant name, which alas! no longer belongs to him, touches his heart by its very contrast. After an hour of conversation in which his mother has given him back his courage, only by bidding him remember how many times he has been discouraged, he departs, light-hearted, clear-headed, rejuvenated, and, as it were, cre-

ated again. Ah! we can justly appreciate such a mother only when we have lost her! As we advance alone in life, words of hers that we thought we had forgotten, wise and loving counsels of ten years ago, suddenly come back to shine upon us. In vain may love, warm friendships, and even enthusiasm glow around you—in the depths of your soul every day arises, more beautiful by comparison with all other things, the divine image of your mother. You will find other hearts to “adore” you perhaps, but it is only she who loves you!

Again, how difficult to understand that our law has acceptably inherited the old distrust of the mother, and has not granted her equal authority with the father in marrying their children!* The Code says, minors may not marry without the consent of their parents. And then, by a contradiction which overthrows the principle itself, adds, “In case of disagreement, the consent of the father is sufficient.”† Is it not a

* This distrust of everything that comes from the mother is very clearly seen in the guardianship of the great-grandfather. A man and his wife die and leave an orphan. It would seem that the guardianship should naturally belong to that relative who offers the best guarantees, as to fortune, morality, and intelligence—in short, to the most worthy. But those circumstances are not at all considered. “The guardianship,” says the code (art. 402), “belongs by law to the paternal grandfather;” only he failing, is the maternal grandfather called upon, and in going back the preference is always for the paternal ancestor. So that your father’s father, unless he be guilty of notorious misconduct, which alone excludes him from the guardianship, may be dissolute or a spendthrift, may care neither for his family, nor his dignity, nor your improvement; all that is of no consequence: he is your parent according to law, and in that name the law bows down to him. But if, instead of a paternal grandfather, there remain only two great-grandfathers, and both in the maternal line, the choice between the two is subjected to a family council—a curious proof of the secret and jealous prejudice against woman. So long as the orphan’s relatives are on the father’s side, they let the chance of birth decide who shall have charge of him. But as soon as the words “maternal relatives” are pronounced, the solicitude of the law awakes, and interfering in the nomination of the guardian, requires the sanction of a family council. One might think that relationship through the mother brands even the males with the mark of inferiority.

† Civil Code, art. 148.

mockery to permit the mother to say yes, and forbid her to say no? The argument is, the interest of the children; "it is necessary," they say, "that the opinion of one of the two should be decisive, so that in case of disagreement the fate of the child may not remain in suspense; it is his voice alone which turns the scale between two equal powers." Equal? Then why not have said, "In case of disagreement the consent of one is sufficient." Because they wished to reduce the authority of the mother to a fiction, as ever in the past?

Among the Jews the consent of the mother is never mentioned in betrothals.

In India the laws of Menu say,* "The father who has given his daughter,"—"the father who bestows the hand of his daughter,"—"the father who marries his daughter with appropriate honors," etc. The name of the mother never once occurs.

In Greece, the mother had, it seems, no other part in the marriage of her children, than the vain privilege of bearing the nuptial torch, and of preparing the peculiar repast for women.† In *Iphigenia in Aulis*, Clytemnestra inquires of Agamemnon of what country Achilles is, and when the marriage has taken place, if the husband will carry his wife into Phthia. She angrily claims, as her maternal prerogative, her place near her daughter during the ceremony; but everything indicates that her consent was not asked, nor was it necessary. Mothers gave their blessing merely, not their consent.

At Rome, the mother, whether sister of her children or a stranger to them, could not appear as an authorizing party; for authorization implies authority.

And the same exclusion prevails to-day: the opinion of the mother is worth nothing, *pro* or *con.*; if she consent and her husband refuse, her consent is of no avail; if she refuse and her husband consent, her refusal is of no consequence. She

* Menu, b. iii. v. 27, 29, 30, 31.

† Euripides—*Jocasta*: "I have not kindled the nuptial torch for your wedding, as becomes a happy mother."

can neither marry her daughter, nor prevent her being married; she cannot protect her from a ruinous choice, nor strengthen her in a happy one.

This annihilation of maternal power is disastrous, since the maternal glance is turned to other points, and reaches farther than the father's. The father is concerned for the fortune, the career, the position, of his son-in-law; the mother gives heed rather to the sympathetic relations which will unite him to her daughter. The father judges him better as a man, the mother as a son-in-law. The mother perhaps is too easily led away by his amiable qualities—let him but please her, and she is more than half won. The father listens too exclusively to what is called reason—that is, to ambition and interest. Each sees the truth, but only in profile; both points of view, united, include the whole. Both these should be appealed to—which is but applying the fundamental principle of doubling the unit.

There is, however, a passion peculiar to the mother, which might disturb her judgment—a passion quite novel, quite rare, which should make us pause a moment, because it arises from her very character of educator; and that is jealousy.

Formerly when mothers did not educate their daughters, they were, it is said, jealous of their beauty; now they are jealous of their affection, jealous with all the bitterness of jealousy. They often complain of the daughter, and hate the son-in-law. The love which she feels, irritates them like an ingratitude; the right that he wins, offends them like a usurpation. By a sentiment most complex, and yet easily explained, their maternal delicacy is shocked at seeing a man lay his hand upon their child; her purity, of which they were the proud and watchful guardians, seems to them profaned as it were, by marriage itself; their daughter has become less pure in their eyes—she is a woman now, an angel no longer.

The cool reason of the world rebukes this jealousy of mothers for its selfishness and absurdity. But we should only pity them—they suffer so much and for so many causes!

Only think of it! To have lived, for twenty years perhaps, only for one creature—to have had but one thought—never, (what delight!) never to have awaked a single morning, without finding her under your eyes—to have been for twenty years her only confidante, her only friend; and then some day to see a stranger come, and speak to her a dozen times perhaps, and to feel at once that the heart which you thought belonged wholly to you, is shared with another—to remain alone in the house, so full yesterday, so empty to-day: such *now* blows are enough to break the heart! One of these poor desolate mothers, thus deprived of the companion of her life, was wont to take from a closet the clothes her absent darling had left behind her, to arrange them on a low stool, where she who was no longer there had always sat, and to kiss them with tears, as though her child were really there.

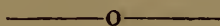
Happily these griefs are often as brief as they are violent, and nature reserves for them a sovereign balm.

A young bride, in the first intoxication of her connubial happiness, perhaps forgets her mother; but she very quickly returns to her with her first sorrow, or her first child. The baby is the conciliator, to knit again the ties that seemed almost sundered. At the sight of her child—or, sweeter still, her grand-child—the sad lone woman is restored as by a miracle to life; she feels, with delight and surprise, a new love, strange and all-pervading, spring up in her soul, a mother's love which she thought was dead; and she loves now with an affection not more tender, but more gentle, than that which she felt for her daughter.

Even her son-in-law becomes dear to her—for she is no longer a mother-in-law, but a grandmother. Grandmother! how the familiar word expresses that delicate blending of experience with indulgence, of weakness with sagacity, of seeming unreasonableness with concealed good sense, which characterizes her affection. A house without a grandmother is incomplete—the seat of honor is vacant. It is the grandmother who quiets, with her recollections, the uneasiness of a

young mother about her children. If she sees her frightened by their manifestations of character, "You were much worse," she tells her, and the mother takes courage. If she finds her distracted with alarm on account of some trifling sickness, "Don't be alarmed," she says, "I cured you in a day in just the same attack." Thus does she still teach, still guide her child; and alas! sometimes she takes her place. We have seen women of seventy, left, by the death of a daughter, with her children to bring up, who found for the fulfilment of their arduous duties all the activity and energy of youth: They were at once mothers and grandmothers; mothers with the head, grandmothers with the heart.

For the grandmother, as well as for the mother, then, let us insist on the erasure of that unjust sentence: "In case of disagreement, the consent of the grandfather is sufficient."



CHAPTER V.

THE SORROWS AND CRIMES OF MATERNITY.—INDIGENT
MOTHERS.—UNMARRIED MOTHERS.—MOTHERS GUILTY
OF INFANTICIDE.

WE have noticed, in our examination of the rights of direction and education, and in relation to marriage, some of the forms of oppression that weigh down the mother. But as yet our picture presents, alas! only the least of her painful story; we have still to search into her deeper wrongs.

For one fourth of all the French women maternity is a bloody Calvary, up which they climb on their knees, with their crosses on their backs. Misery, shame, crime—such the sombre train that follows them. Of these evils, some are but

the just punishment of their sins, others a cruel necessity and fate; some are irreparable, others demand and deserve sympathy and relief. The history of indigent mothers, unmarried mothers, and mothers guilty of infanticide, will tell us plainly of the suffering; let our pity and our justice assist us to find the remedy.

For the rich wife, lawful maternity, save in its necessary accompaniments of physical suffering and anxiety, seems but an inexhaustible subject of thanksgiving to God. Each child, as it is born to her, takes its place as an ornament in her home, and a joy in her heart. Her happiness begins when she can say, "I am enceinte." From that time the redoubled tenderness of her husband, the solicitude of her family, the dreams of the future, in which her thoughts are steeped, metamorphose those nine months into an ever-changing succession of delicious hopes; every one around her seems to have the foresight of a mother at the moment when she is about to become one.

For the poor woman, on the contrary, the situation is full of terror. As soon as her child moves within her she trembles. How shall she raise it? Her pregnancy, which diminishes her strength, increases her poverty, and so compels her to increase her labor. She must drag her body, already so heavy, to the workshop; she must remain standing all day long. Bowed down beneath the maternal burden, she has still other burdens to bear. And when delivered, where is it? Almost always in a chamber without fire, often at the factory, sometimes even in the woods. Many a woman has no linen to wrap her baby in, no milk to nourish it! Misery and weariness too often exhaust the poor mother's only larder, her breast. And time brings new troubles: the two-years'-old baby must be left alone—with a thousand fears, too, lest he fall into the fire when he is in the house, lest a carriage run over him when he is playing in the street. Alas! the whole weight of the family must be borne by her alone. Among the poorer classes, the father is "very little at home. He

brings money, if he has any ; if not, he reproaches his wife for the children he has begotten, and goes his way ; but the mother remains.

So in the country have we seen an animal pursued by her hungry little ones. In vain would she fly from them, that poor exhausted nurse. They pursue her, they overtake her, they throw themselves upon her ; and yet the helpless victim, uttering from time to time a feeble moan, seems to say to them, "Live on my life—suck my blood as well as my milk." Such the picture of many a miserable mother ! Which of us has not been heart-sickened, on penetrating into a miserable garret, to see some four or five children huddled together in a narrow crib, with hands stretched towards a pale and haggard woman, to whom they cry, "Mother, I am cold ! mother, I am hungry !" Grief, then, produces in such a wretch truly startling effects. We sometimes see her strike her children when they cry for bread. Think you it is in anger or insensibility ? No, it is the desperation of seeing them suffer, and being powerless to relieve them. She strikes them to choke that cry of pain which rends her own heart. She becomes stepmother by being too much a mother. Another will say to her eldest girl, who may perhaps be ten years old, "Take your little brothers and sisters out, and try to make them forget their hunger by amusing them." And behold the poor creatures, wandering through the streets of Paris, in the rain and mud ; see that child—I should say that mother of ten years—leading them by the hand through the public gardens, weeping with them, for she, too, is hungry—and yet not daring to go home, for her mother has said, "There will be no bread till evening." Then evening comes, and they return ; but alas ! their father has not been paid for his day's work, or it may be, he has not come home ; and a meagre dish of coarse vegetables, less than should satisfy a single person, must suffice for a whole family. What does the mother then ? She eats nothing ; sometimes, too, the elder sister, measuring with her eye the scanty portion for tho

younger ones, says, "I am not hungry." The mother understands her, embraces her, and the two poor, famished creatures throw themselves upon their hard bed, which God doubtless blesses, but—He calls us to a stern account for all.

There is, however, a lot still more horrible—that of the unwedded mother.

✕ Surely, far from me be the thought of excusing the frailty of young girls; but the sin once admitted as sin, let us consider the terrible suffering that follows, and ask, if law and custom, which do nothing to prevent the fall of virtue, have a right to punish it so ruthlessly. For there is no pity, no help. No sooner is a young girl's sin exposed, than her seducer feels, instead of remorse, only a cowardly longing to escape all responsibility by flight. So the victim remains alone with her misfortune—and it is frightful. Surrounded by her relatives, her every step watched, ignorant of all that pertains to life, a thousand terrors, springing from her love for the deserter, come to magnify her sorrows and her sufferings. In whom shall she confide? In a servant? She would but degrade herself, and fall into her power. In her mother? How could she so blush before her? In her father? He would curse her! But, in the midst of this irresolution the days slip away, the external signs of her ruin become more manifest; she no longer dares to cross a room before her parents, or attend a festival, lest her movements betray her. There are the deceits of dress which torture her, and then the harrowing remorse and despairing tears for the thought that she may be compromising the life of the little being she loves, in spite of the pain it costs her. Suddenly, however, the fatal pangs are felt; she can no longer doubt: the moment is come, and there are no preparations, no means of eluding her friends, or of flying from them. Now for her acts of superhuman courage!

Young girls have risen from the work-table, coolly, in the midst of the family circle, have entered an adjoining room, and become mothers with only the aid of some old nurse,

without uttering a single cry.* The learned Fodéré relates that a young lady of noble birth, thus surprised by the last pains before all her family, went, impassive and unmoved, through all the phases of bearing a dead child, even until the withdrawal of all the witnesses permitted her to effect her delivery.

Delivery! A lying word! The material may be broken, but the moral chain always remains; it is no longer the child attached to the mother, it is the mother attached to the child. Rich or poor, she is lost. Vain the hope, that if she be rich, her seducer will repair her wrongs! The world has susceptibilities so exquisitely delicate, that a man would feel wanting in honor if he should marry a woman whom he had dishonored. Vainer still the hope that he will at least aid her with money if she be poor! Paternal generosity indeed may go so far as to pay for the first months; but a year passed, there is an end of it. Then upon the unhappy woman alone devolves the charge of rearing her child. But how shall she rear it without the knowledge of any one—that is, without defaming herself, without ruining her character for ever? Here the fate of women of the upper classes is harder than that of the lower. Thanks to the innate justice of the people, it is not rare, in town or in country, to see a girl who began by falling, but who atoned for it by her after life, marry a good-hearted workman, who deems her not less worthy, purified, than when pure.

But, outside of the common people, the guilty one, even if her secret is not known, sees marriage, with all its train of family joys, closed against her. Indeed, should a man whom she loves, and who loves her, offer himself, she would not dare to accept his hand. How could she resolve to unveil her shame to him? How resolve to conceal it? The very next day, perhaps, he would learn of it, and there would be pang upon pang; she would rather lose him than incur his scorn. Therefore she is silent; she refuses, and she does rightly.

* Devergie, *Médecine Légale*

We have before said, and we cannot repeat it too often, that the law which guards so sedulously the tranquillity of men, has pronounced these terrible words; "Maternity may be scrutinized." So, always, even until death, would the wretched woman feel this menace hanging over her; always would she feel her honor, the honor of the man who has given her his name, the honor of her children, at the mercy of a treacherous indiscretion. Condemn thyself to an eternal celibacy, poor girl! and live in isolation and despair!

Such are the woes of unlawful maternity—the crimes remain. I do not allude to those mothers who sell their bodies to nourish the fruit of their bodies. I will only consider the girl at the moment when her baby is before her eyes, and when in her mind this fatal question arises, "What shall I do with it?"—Expose it? She cannot. Are not the foundling-boxes suppressed—that is, the mysterious abandonment, and the concealed protection? Is not public abandonment substituted, in open day, with an office and clerks? The mother, then, must appear before a police commissioner, proclaim her name, and say to him, "Here is my child, and I abandon it." But is this possible? Would not more boldness be required to avow the sin than to commit it? And does not the society, which requires such an act, degrade itself as much as the woman who submits to it? Is it not imposing upon every poor erring creature the effrontery of a lost woman? Is it not enough to drive her to despair, to madness, to infanticide, perhaps? Infanticide! which is, in fact, the conclusion to which the desperate deliberations of the girl-mother sometimes lead her. Surely no one would suppose us guilty of wishing to release the homicide from the responsibility of his crime, and pretending to throw all the weight of it upon society. But we will venture to declare, that society has its share, and the law also. That scandalous impunity for the man, which law and Society alike proclaim, is often the cause of it. If you would have overwhelming and irrefragable proof, consult the statistics of infanticide, and you will find this truly terrible fact.

"Of eight women indicted, and proved guilty of the crime, four were acquitted."* Four homicides absolved out of eight—four homicides proved and confessed! Now what does such an anomaly signify? How can the foreman of a jury dare thus knowingly to perjure himself in the face of God and man? Why does he prefer to commit a crime himself, rather than condemn in the name of the law a crime submitted to him? Why? I say.

Here is the exact deposition of a woman guilty of infanticide; it will speak louder than all speculation.

A young girl, Jeanne Vernadaud,† appeared before the tribunal of Limoges accused of this crime. She expressed herself thus; I will neither magnify nor suppress her words:

"I had been a servant for two years; I became enceinte. When the time for my delivery approached, my master gave me my discharge, with my wages, which amounted to thirty-five francs. I returned to Limoges to live with a midwife.

"On the 22d of December I was delivered of a daughter at the house of this woman. Before my confinement I had a violent inflammation. My milk not appearing, I could not nurse my child. The midwife had had her baptized. As I had no milk at all, and continued ill, my nurse made application to the hospital of Limoges for me and my infant. They refused to admit us. As I had no more money, the midwife told me, on the 28th of last December, that she could no longer keep me. I was then obliged to leave her house, and I set out on the same day between twelve and one o'clock, carrying my child with me. Until then it had been fed on sweetened water; but from that moment until the evening of the next day, when it died, it tasted nothing; nor did I. I had nothing to give my little one. On the night of the 28th of December I stopped at a village, and begged at a house. I entered, to be received for the night in charity. It was very cold. As

* This striking result has been published and proved by several lawyers, and the *Gazette des Tribunaux* confirms it.

† *Gazette des Tribunaux*, March 16th, 1847.

they had no bed for us, they allowed me to pass the night in the sheepfold with my child. They were poor people, and I did not dare to ask anything for the baby.

“On the next morning I continued my journey. I passed another whole day without eating anything, being afraid to beg; I walked with difficulty, and stopped only towards nine o'clock at night, all the time carrying my child in my arms. We were both numb with cold; then my reason gave way. I strangled my child, and threw it into a pit near the road. I wished to kill myself too, but my courage failed me.”

Now what verdict did that jury render? After five minutes' deliberation, Jeanne Vernadaud was unanimously acquitted. Why is it that so scandalous an acquittal does not fill us with indignation? Why was it that in all the crowd that thronged that court room perhaps not twenty could be found who would have condemned her? Why is it that among those who read this story many feel themselves moved, as we have been in writing it, and murmur to themselves, “Poor woman?” It is because, however guilty she may have been, we see others as guilty of her crime as she was—criminals whom the law absolves and declares innocent. It is because we have condemned in her stead, or at least before her, that master who inhumanly drove her out of doors, the officers of the hospital who refused her shelter, that slovenly arrangement of charity which could let two of God's creatures die of hunger on the highway, and especially the wretch whose name is never once mentioned in the indictment, but whose murderous presence is everywhere felt—the absent father!

At least, in the midst of her crime, we find an expiatory sentiment—affection. Why did the wretched woman kill her child? Not from selfishness, nor calculation, nor passion; no, she killed it to rescue it from starvation; she killed it because she loved it; her crime was only the despair of love. But he—the unknown scoundrel who abandoned his daughter and the mother of his daughter, who did not even provide for the poor little creature the first drop of water to nourish

her—committed his atrocious deed in simple avarice and ingratitude; and the law absolves him! and the law does not even pursue him! This is the wickedness which draws from our hearts, as from those of the judges, that acquittal which justice shudders at!

Now understand this well: there cannot be a more positive detriment to the morality of a community than a public violation of the principles of justice. The general conscience is depraved by an iniquitous indulgence, even more than by a crime; and, from seeing the crime too often pardoned, the masses soon begin to confound it with innocence. Let us, then, purify our code of this criminal impunity, which prompts the mother to commit infanticide, and the judge to pardon it.

But the duty of France is not limited to this. It is maternity in all its forms which it is necessary to elevate—indigent maternity, illegitimate maternity. When the most sacred title of woman depraves and crushes her, ought the responsibility of her excesses, and the burden of her griefs, to fall upon her alone? No. Is everything done when we have buried those who have died, outcast those who have fallen, exposed those who have sold themselves, and killed those who kill? No—a thousand times, no! God has created maternity to be a blessing to the race, a happiness for the mother, a protection for the child. France must not abandon the divine office. It is her duty to reinstate upon her pedestal that sacred statue of the Mother, with all her train of virtues and of honors.

The difficulties are formidable, we know, but the duties also are immense; and by being deeply sensible of the latter, legislators may find a solution for the former. And first, this striking example is presented to us: the Convention promulgated, in relation to unmarried mothers, this celebrated decree: "Every girl who shall sustain, for ten years, by her unaided labor, her illegitimate child, shall be entitled to a public recompense."

Philosophy was greatly indignant at this. Politics has

branded it as a premium for licentiousness; Wit even assailed it with ridicule; but we boldly avow that it appears to us commendable. In it, for the first time, the civil law resembles the religious law; in it, for the first time, we recognise in repentance all that sublime reparation which Jesus Christ attributed to it; and thus we at last have in legislation the fulfilment of that touching and solemn promise: "There is more joy in heaven over one sinner that repenteth, than over ninety and nine just persons who need no repentance." Ah! who has never needed to repent? Who does not know how much easier it is to abstain than to reform? The laws of our time have the severity of eternal damnation: their red-hot brand, once marked on the body, or on the name of the culprit, is never effaced; and rehabilitation, established only for the benefit of pecuniary dishonors or political condemnations, never raises up a passionate soul overwhelmed by its own errors. Ah! let but one ray of light fall into your dungeons and your prisons! Tell the murderer who slew in his madness, that when he has saved twenty men his crime shall be forgiven him; tell the thief, that when his beneficences have blessed a hundred unfortunates his burden shall fall from him, and that his restoration shall be as open, as public, as his condemnation.

The law of the Republic goes still further; for it rewards the girl who has supported her child by the fruits of her labor alone, for ten years; and it does well. Openly to confess her fault when no social force constrained her to do so, to atone for it by sacrifice, to atone for it under the curse of a universal reprobation, to atone for it for ten years—here is one of those rare heroic deeds which more clearly demonstrate the grandeur of the human soul than all the unsoiled innocence of a life pure maidenly. The legislators then who hold it up for public respect, crown a noble action and consecrate a great principle.

After unmarried mothers, indigent mothers give occasion in their turn for a benevolent ordinance: "Every mother

whose labor is insufficient to sustain her family, has a right to the aid of the nation!" In this decree, which includes not less than sixty articles, the Assembly descended to all the minute foresights of affection itself: pregnancy, nursing, the expense of a nurse for the new-born child, all are considered. It regulates the expense of baby-linen; it appoints an agent, charged to watch over these foster-children. One would think the programme had been dictated by a mother.

Notwithstanding our profound sympathy with the spirit which prompted this law, its moral and material inconveniences are apparent to us in all their force. Is not the execution of such a law an encouragement for the increase of an already disproportionate population? is it not destructive to the very spirit of the family—that is, to the sentiment of parental responsibility? Does it not separate from maternity the idea of duty?

But, on the other hand, what misery more worthy of pity and of succor, than that which affects a mother and her new-born child? Even the interests of the nation demand that we look to these matters of childbirth, nursing, and nourishment. Indeed, what constitutes a great state? the laws, the arts, the soil? Of course. But who tills the soil? who cultivates the arts? who makes the laws? The race; and now who makes the race? The mothers. Enervated mothers produce enervated children; famished nurses make puling nurslings; and so the state should help all poor mothers, if only to enrich itself; such generosity is an investment.

Between these two contradictory opinions, where shall we look for the truth—for the solution?

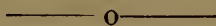
In the establishment of two admirable institutions, which relieve the indigent mother of the burdens of maternity, without freeing her from maternal obligations; institutions at the same time humane and provident, which truly merit the beautiful name of *materna patria* (mother country): I mean Infant Asylums and Infant Schools.

Paris contains twenty Infant Asylums—five hundred are needed. France has two hundred Infant Schools—she needs ten thousand; or rather no more “Infant Schools,” for experience, with the heart of a good woman, has found a truer and more touching title for these shelters of infancy—“Maternal Schools.”

Undoubtedly the State should found these asylums, these schools. But alone, her action would be insufficient. Then let the Genius of woman’s social charity come to the work. To the work, all the resources of her heart, so fruitful in generosity! Let it be the glory of our epoch, unjustly compared to the degraded Rome of the Empire, that for several years our women have given a great impulse to charity. Under their patronage a hundred benevolent institutions have been raised; infancy, old age, insanity, paralysis, blindness, even vice—all misfortunes indeed have become the objects of some ingenious project. Then let all these efforts be multiplied and combined for the foundation of Infant Asylums and Maternal Schools; let rich mothers raise from their fortunes a revenue for this work; let them *beg*, continually, under many forms, and even to importunity; for their mission is to create a fund for indigent mothers, an immense store. Should the task dismay them, let them visit a maternal school, if only for an hour, and their courage will return. When they observe all that has been done, and all that remains to do; when they see two hundred little creatures, from three to four years old, already so well protected, but still so much in want; so free in their sports, but imprisoned in so narrow a garden; so intelligent in countenance, but so poorly clad; when they hear of the generosity, the self-denial, the heroism, that has been developed in these young creatures, and at the same time see their eyes too often red with ophthalmia, and their cheeks pallid with misery—then their hearts will be possessed with such a blending of affliction and affection, that their purses will be opened, their zeal will be animated, and each of them thinking of her own daughter, so tenderly pro-

vided for in all things, will desire to found or assist a maternal school.

A part of our future depends upon these associations. To instruct the child is not only to relieve its parents: it is also to instruct them. The child who returns in the evening from the maternal school to his father and mother, returns unconsciously to improve them. If the mother flies into a passion, "Mother," says the child, "the dame (such is the name the children give to the directress of the Asylum) said it was not right to get angry." If the husband is brutal to his wife:—"Father," says the child, "it is a sin to ill-treat a fellow creature." And the mother is silent, and the father reflects, and the spirit of God enters into that house, with the child that is nursed on the bosom of France. To complete these benefits, a maternal country is needed, and a holy alliance of mothers.



CHAPTER VI.

WIDOWHOOD.

THE history of the Mother requires a brief sketch of the history of the Widow. None of the conditions of woman offer more strange or instructive particulars. In the past, this title of widow represents only the abasement of the wife, the annihilation of all personality—slavery, condemnation, death. In our day, widowhood is freedom, and equality with man. In ancient times, every wife saw her destiny so closely sealed to the lot of her husband, that though a widow, she still belonged to him. The tie that death had broken for him, seemed to be drawn closer around her, and the shade of the dead husband hovered over and subdued the oriental

woman, to drag her to the funeral pile; on the Jewish woman it imposed a second husband; the Christian woman it condemned to seclusion; the Feudal woman it delivered up to the guardianship of her son; and the very law which left them life, refused them all power as mothers, all independence as women.

The modern widow, on the contrary, obtains from our laws all the privileges of the husband. As a mother, she is a guardian—as a woman, she is independent. She has power over herself and others.

So strange a contrast—a union of the extreme of slavery with the extreme of liberty, meeting by turns in the same person, as the ages succeed each other—affords a historical spectacle curious enough to occupy us for a while.

In India a single fact, a single word, demonstrates to us the whole extent of the wife's slavery; the widow must burn herself with her dead husband. Evidently, the institution of those atrocious sacrifices was the result of that fatal system which we everywhere combat in this history—the complete absorption of the personality of the wife into that of the husband. The principal swallows up the subordinate. When we hew down the oak, the mistletoe falls; when the husband dies, the wife should die also.

Yet we must confess, that in spite of the indignation which these bloody doctrines excite in us, all that is called devotion and self-forgetfulness has such a character of grandeur, and the nature of woman accords so well with the idea of sacrifice, that, under the dominion of this custom, conjugal love rose often to heroic sublimities, of which the devotion of Alceste herself hardly gives us an idea.

We will borrow from an English traveller a touching story on this subject.* “On the 24th of November, 1829, in the district of Jubbulpore, an old woman, sixty-five years of age, announced her intention of burning herself with her husband,

* *Rambles and Recollections of an Indian Official.* By Colonel Sleeman, Vol. I.—*A Suttie on the Nerbudda.*

Omed Sing Opuddea, who had died the night before. The English governor announced, in a peremptory proclamation, that he should formally oppose this sacrifice, and threatened with a severe penalty every native who should aid the widow in her design. Guards were then placed around the funeral pile, and the flames consumed only the remains of Omed. Four days afterwards, the governor, passing that way, saw the poor widow at a little distance, seated on a jagged rock, close by the river. On her person she had only a coarse chemise; for four days she had remained exposed, with no other clothing, to the burning rays of the sun, and the clammy dews of night; for four days she had neither eaten nor drunk, chewing only a few leaves of betel; and at last, to proclaim her unshaken purpose, she had covered her head with a red turban, and broken her bracelets. This was to exclude herself for ever from her caste, and condemn herself to civil death.

“When she saw the governor, she said to him, ‘I have resolved to mingle my ashes with those of my husband, and I will wait patiently till you permit it; for I am very sure that God will give me strength to live till that time, although I neither eat nor drink.’ Then, turning her eyes towards the sun, rising over the fertile banks of the Nerbudda, ‘Four days ago,’ she said, ‘my soul was united to my husband’s around that sun; here only my earthly part remains, and I know you will soon permit it to join the ashes which are so dear to it; for it is not in your nature nor your laws to uselessly prolong the sufferings of a poor old woman.’

“The governor spoke to her of her children, whom she would leave behind, and who perhaps would be accused of murdering her.

“‘I do not fear that such a suspicion will attach to them,’ she answered; ‘for, like good children, they have done everything to induce me to live. As to my duties to them, they are ended; our contract is dissolved. My only duty is to rejoin my husband.’ And then again look-

ing upon the sun, she cried with enthusiasm, 'Already I behold my soul soaring above, under the nuptial dais, united to the soul of Omed Sing Opuddea!'

"These last words struck the governor with astonishment. Never before, in all her long life, had this woman pronounced her husband's name; for in India the wife cannot, without irreverence, call her husband by his name. So the firmness of accent and emphasis with which she pronounced, 'Omed Sing Opuddea,' convinced the governor that all persuasion would be useless, and that she was resolved to die. He tried, however, to lead her back to life, by portraying all the honors that awaited her old age; but she said, smiling, 'I am already dead. Here, take my arm, try to find my pulse! long ago it ceased to beat. There is nothing left of me but this little earth, which I desire to mingle with his ashes, as I could without suffering. Would you have a proof of that? Let a coal fire be kindled: I will put my hand in the midst of it, and you shall see it consumed without a pang to me.'

"Overcome by her calm energy, the governor yielded. The widow was full of joy at the news. When the funeral pile was ready, she walked to it, leaning on the arm of her youngest son; and reaching the place of sacrifice, she uttered only these words: 'O my dear husband, why have they separated me from you for five long days?' Then she strewed some flowers upon the ground, murmured a short prayer, mounted the funeral pile calmly, with a smile; lay down in the midst of the flames, as one reclines on a couch—and died, without a cry, without a groan."

Philosophy revolts against such superstition, human reason proclaims it folly—and their sentence is just; for, at bottom, this custom is but the last step in the subjugation of woman. Yet, by a strange contradiction, this strength of the conjugal tie, which continues even beyond the grave, this fusion of the husband and wife into perfect oneness, this all-powerful attraction of the soul departed, calling to itself the soul that remains, to bear it up to heaven—all this touches us with real

sympathy: we blame, but we admire; we deplore, but we respect.

The Jewish law presents itself to us in a character not less singular. It is a union of protecting foresight with tyrannical severity.

“If brethren dwell together,” says Moses, “and one of them die, and have no child, the wife of the dead shall not marry without, unto a stranger: her husband’s brother shall go in unto her, and take her to him to wife, and perform the duty of an husband’s brother unto her. And it shall be that the first-born which she beareth shall succeed in the name of the brother which is dead, that his name be not put out of Israel. And if the man like not to take his brother’s wife, then let his brother’s wife go up to the gate, unto the Elders, and say, My husband’s brother refuseth to raise up unto his brother a name in Israel; he will not perform the duty of my husband’s brother.

“Then shall his brother’s wife come unto him in the presence of the Elders, and loose his shoe from off his foot, and spit in his face; and shall answer and say, So shall it be done unto that man that will not build up his brother’s house. And his name shall be called in Israel, The house of him that hath his shoe loosed.”

These enactments evidently bear the double impress of disdain and solicitude; for the law has an equal care to impose a husband upon the widow, and to assure her a protector.

It was the Christian law that first began to weigh less despotically on the destiny of the widow. It did not condemn her, like Menu, to die when her husband died; it did not, like the Greek law, permit a husband to bequeath his wife to a friend;* but it imposed upon the widow, or at least advised, seclusion and retreat. The widow, truly a widow, says St. Paul, is a being left on the earth, passing days and nights in prayer, having no care but to bury all human love

* Demosthenes, *Tenth Oration against Stylicon*.

with the ashes of her husband; if she still gives herself up to pleasures, she is a living dead person (*vivens mortua est*).

The Barbarian laws retain in part the severity of the ancients. To the widow without children, liberty and possession of herself; but to the widowed mother, not one maternal privilege. Maternity became a reason for her servitude. India* and Greece† intrusted to the elder sons the guardianship of the widowed mother. Like the Greeks and the Indians, the Saxons, and Burgundians, believers in the Salic law, proclaimed that at fifteen years old the son became the guardian of his younger brothers and of his mother. If a widowed mother desired to enter a monastery, her son's permission was necessary. If a widow wished to pledge herself to perform some public service, she must be authorized to do so by her son.‡ If she wished to marry again, the assent of her son was especially necessary, and this assent must be public, and even paid for. So that it might be certain that the mother belonged to her son, she was constrained—if her condition of widowhood was disagreeable to her—publicly, in presence of all the family, to give to her son, that is to her master, the price of her redemption, the *achasius*, which was fixed at three hundred solidi. If she endeavored to escape this obligation, she was liable to severe punishment. Under the German law, every woman who did not wait for the authority of her guardian before contracting marriage, forfeited all the property she had, and all she was to have;§ whence it followed that a mother who remarried without the consent of her son could be despoiled and disinherited by him. "Upon whom ought the guardianship of the orphan to fall?" naively ask

* *Laws of Menu*, B. ix.

† *Review of Legislation*, October, 1846. *Organization of the Athenian Family*. *Odyssey*, B ii.

‡ *Laws of the Lombards*, Tit. 37. "Si qua mulier monasterium intraro voluerit, et filios habeat, in quorum mundo esse inveniatur," &c.

§ "Si libera femina sine voluntate tutoris cuilibet nupserit, perdat omnem substantiam quam habuit vel habere debuit."—*Thuringian Laws*, x. 3.

the "Establishments" of Normandy. On the mother? No, for she might remarry and have children, who, coveting his inheritance, might kill their brother. Who should take care of him then? The Lord of the soil; because he would love him with a pure love, and would faithfully keep together his estates.* It is true that he could not "keep them together" better, for often he would not give them up.

At least, if the widow had only daughters, she had the right to marry them, you say. No. As soon as the ward arrived at marriageable age, the Lord of the soil came and said to the mother: I require a pledge (bail in money) that you will not marry your daughter without my consent.† If the mother had chosen a man whom her daughter loved, and who loved her daughter, "I refuse my consent," said the feudal chief, "for I have a much richer husband for your daughter." Sometimes even the king interfered between the mother and the daughter, separated them from each other, intrusted the orphan to a person of his own choice, and married her by his own authority.‡

All these tyrannies fell before the Code. The widow to-day is mistress of herself and mistress of her children; she is administratrix, guardian, and directress.

This first step will, of necessity, lead to all the others, inasmuch as by itself it is absurd. As long as the husband is living, the woman, as wife and mother, is absorbed in him completely. But let him die, and suddenly a fundamental change occurs. In a moment this woman, who before could do nothing, can do everything. As if her title of widow endowed her suddenly with new power, the law elevates her without preparation, without education, from a dependence almost abject into an absolute dominion over herself and all who belong to her. Yesterday she had no right to make a lease,

* Laboulaye, *Histoire de la Succession des Femmes*. Book iv., p. 259. This is what is called the usufructuary charge.

† *Etablissements de St. Louis*, p. 63.

‡ *Le Nouveau Style de la Chancellerie en France*, p. 553.

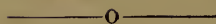
to sell a chattel, or retain her child in the family abode; and now she is called upon to manage two fortunes; she was never allowed the control of herself, and now she is required to control several human lives.

Full as it is of contradictions in the present, and full of danger, both for children and mother, this trying predicament is a blessing, for it is the prelude of a wiser future. All progress in the beginning is at variance with the existing order of things; but little by little it brings everything into harmony with it. So with the privileges of widowhood, which must elevate the whole conjugal condition. In order that the woman may be able to perform the difficult duties of a widow, it will be necessary to elevate the condition of the wife, to increase the power of the mother; and thus the law of masculine omnipotence already contains the principle which must reform it. For a further account of the condition of the widow as it is, and as it may be, read the words of the mother of Saint Chrysostom to her son:—

“My son, God has made you an orphan, and me a widow, sooner than may be for the good of either of us. No words can describe to you the confusion and dismay in which a young woman finds herself plunged who has just left the home of her childhood, who knows nothing about business, and who, on the very day when the will of God has stricken her with the profoundest desolation in the world, is forced to take upon herself new cares, to which, by the weakness of her age and her sex, she is quite unequal. She must beware the persecution of her relations, must supply the delinquencies of her servants, must defend herself from their malice, must constantly suffer from the impositions of officials, and from the insolence and barbarity they exercise in the collection of taxes. In spite of all these evils, my son, I have not remarried; I have stood firm among these storms, trusting in the grace of God, resolved to suffer all the troubles of widowhood, sustained by a single consolation—the joy of seeing you continually, my darling.”

The whole story is told in these words : the trouble of the widow, the ignorance and fright of the woman, her new and unforeseen struggle with the realities of life. The poor creature trembles at the very mention of tax-gatherers ; but little by little her courage returns, for her son is concerned. If she were alone she would abandon all to the voracity of the enemies who surround her, rather than encounter the wearisome vexations of business ; but for her son's sake she goes to the record offices, she examines titles, she defends herself against lawyers ; and meantime her character is strengthened, her intelligence cultivated ; and in a few months the exercise of her faculties has changed that frail, timid, ignorant creature, into an active guardian. We cannot better conclude our demands for the rights of mothers than by so eloquent an example of maternal love.

BOOK V. — WOMAN.



CHAPTER I.

WOMAN IN HISTORY.

MAN is not merely son, husband, father—he is a man and a citizen; and to this double title are attached two new constitutions of rights and duties, which he must fulfil in his public and private life. Of these obligations, one has for its object the well-ordering of his personal character—the other his participation in the administration of public affairs; both require the complete expansion of his intellectual and moral faculties. Thus as manufacturer, magistrate, artist, physician, or soldier, man, if we add title of husband and father, has three theatres for the development of his being: a family, a profession, a country.

Woman, on the contrary, has really but one—the family. Political and private careers are almost wholly closed against her. She must submit to laws which she does not make, pay taxes that she does not impose, and consent to the justice she cannot administer. A woman cannot be a witness to a public document or a will, nor can she be a guardian or member of a family council, except as mother or grandmother; and the law, insulting her by the very terms in which it expresses this interdiction, excludes from these functions “Interdicted persons, all who are condemned to corporeal or other ignominious punishments, men of notorious misconduct, incapable or un-

faithful managers, minors, and women." Thus women are associated with fools, children, and knaves.

The professional or "liberal" careers either repel or oppress them. The Sorbonne has excluded them not only from its chairs but its lectures, and a woman cannot obtain a card of admission to the rhetorical or scientific lectures. The Law school, closed against their desire to learn, refuses to instruct them in the Code which governs them. The Medical school, except in a particular case, does not admit them to the practice of that profession in which they were once the only adepts. Paris has five academies, in not one of which is there a place for women. France has more than three hundred colleges—not one professional chair for women.*

Custom, instead of correcting these laws, strengthens them. A female physician is an offence, a female notary a laughing-stock, a female lawyer a terror. Women themselves, in alliance with the customs that exclude them, spare neither raillery nor bitter reproaches for such of their sisters as may dare to dream of an existence outside of, or independent of, the family. And so, hemmed in by barriers, lookers-on in life, but taking no part in it, without a patriotic tie, with no interest in public affairs, without personal employment, they are daughters, wives, and mothers, but rarely women—that is, human creatures developing all their faculties—never citizens.

Is so absolute an exclusion natural? Is it necessary? Have we a right to say to half the human race, "You shall have no part in life or in the State?" Are we not denying them their

* The reader must not suppose that I wish to see women mingle with the students on the benches of the law and medical schools; that would surely be but a poor way of promoting their improvement. I do not even require that they be permitted to compete with men in the various places and functions I have enumerated. My conclusions all tend, as will be seen in due time, to a contrary end—that is, to separate women from men, farther and farther every day. But I would here simply notice, one by one, these interdictions, so as to expose the whole system, which refuses women both the means of instruction and support.

prerogatives as human beings? Are we not disinheriting the State itself?

Who shall say that society, like the family, has no need, for its noble ends, of both the minds and both the beings created by God? Who shall tell us that many of the woes that afflict the world do not arise from this annihilation of one of the two forces of creation, this interdict on the genius of woman?

Only one fact could lawfully condemn women—their radical inferiority. Now how shall we prove this inferiority? By the study of history perhaps. But women having been in all times excluded from office, we cannot judge of what they might be by what they have been. By their psychology? When the soul has been dwarfed by servitude, how can we find its true nature under its imposed mask? The objections against woman, drawn even from her proved incapacity, or from her faults, fall before the single fact of her eternal subordination. It is not she whom you see, it is not she of whom you judge, it is a factitious being—the work of man, not of God. Philosophical and historical analyses here seem to lose all their force.

Yet however unfair these criteria, let us accept them. Let us take history and philosophy for our judges; their decision will at least have this advantage, that the abilities and talents which it may recognise in woman shall be so much incontestably gained for her. Perhaps it may even afford a solution in which the reformers and the conservatives may be reconciled. If in spite of so many and so various trammels, woman has been able to play her part in the great events of the world, and assume a place of honor among the choicest spirits, we must surely recognise her right to this particular place and part. We may not know all she is worth, but what she is worth must belong to her. To pretend to estimate the swiftness of a man who runs with his feet chained, would be unfair; but one may boldly declare that he has feet, and that he was born to run.

Let us commence with History.

A strange contradiction presents itself as soon as we open the annals of the world. Everywhere, Woman is at the same time despised and honored. Among the same people, at the same time, under the same laws, we see her treated altogether like a superior being—and yet like a degraded one. It is as though she bore within her something strange and impenetrable, to baffle legislators. Look into the Bible: a woman has no right to work upon the ornaments for the priests and the sanctuary; a woman has no right to take an oath, for she has no *parole*; and Moses declared that “the woman who made a vow was not obliged to keep it, unless her husband or father permitted it.” Is not this equivalent to declaring that she has no soul? And yet the same legislator recognises in her the most exalted gift of human nature, or rather one which surpasses it—the gift of prophecy.

Rome condemned woman to perpetual guardianship, and the same Rome declared her intrusted with the celestial designs. A woman uttered the oracles at Cumæ. A woman was the guardian of the Sybilline books. The gods spoke, it would seem, only through the voice of woman.

In Greece we find the same contradiction, though still more startling. The Greeks denied to woman what should constitute her essential essence, love. Plutarch, in his *Treatise on Love*,* makes one of his interlocutors say, that true love is impossible between a man and a woman. And yet the Greeks, with apparent unreasonableness, accord to women divine wisdom. We see in the *Banquet* of Plato that the guide who initiated the prince of philosophers in the truth, who illumined the soul of Socrates, was, as he himself says, a woman. “I learned divinity and life,” he repeats, “only from my conversations with the courtesan, Theopompa.”

So everywhere and always, in the ancient world, this

* *Treatise on Love*, c. 10. “As to true love, women have no part nor portion in it; and I imagine that you who are affectionate to your wives and daughters love them no more than the fly loves the milk, or the bee the honey-comb.”

scorned and flouted creature is superior to us in one respect; the courtesan, adviser of Pericles and friend of Socrates, seems almost a symbol. Let us pass now to the Germans, and our astonishment is unabated: no part for woman in public careers. But Tacitus writes, "The Germans perceived in woman something divine and divinatory, and respected her as a being related to heaven." In Gaul the office of druidess was rather superior than inferior to that of druid, for to her was intrusted the revelations of the future. The isle of Sena* contained a college of nine virgins, who knew, it was said, what had not yet come to pass, healed incurable diseases, and calmed or agitated the ocean. It was from wild rocks, in the midst of tempests, that they uttered their oracles; they seemed to communicate with the thunder itself. One of their famous priestesses, Velleda, ruled, whether invisible or present, all the tribes from the top of a tower, whence she dictated war, peace, or treaties. Here, seemingly, are facts incredible, and beyond the ken of our reason. How shall we reconcile so much of grandeur with so much of degradation? How explain that shudder of admiration and scorn with which man has ever regarded a being apparently like unto himself, and yet whom he invariably places either above or below him? What is she then in his eyes? What part does he suppose she has in the designs of God and the destinies of the world? Why deny her the simplest offices, and invest her with the sublimest priesthoods? Why forbid her the business of life, and yet leave her so imposing a part in the formation or cultivation of the ideas which constitute life itself, in religion? Woman, then, must possess qualities very characteristic and very powerful, thus to have attained a position so limited but so exalted—so singular an empire over our minds. This first glance, rapid as it is, already justifies the conclusion that woman is more than man and less than man—that is, other than he."

In order to confirm or overthrow this opinion, let us ques-

* Amédée Thierry, *Histoire des Gaulois*.

tion the great social and political disorders, wherein souls generally show all they are worth.

The conduct of the women, their manner of interposing in such events, is strange enough. Revolutions overthrow empires—the Greek falls, the Roman changes; and the murder of a woman sometimes serves as the pretext, as at Rome the death of Lucretia or Virginia; but the great multitude of women remain strangers to these commotions of nations and of states. It seems as though nothing of all this was within their province or demanded their participation. But Christianity appears, and suddenly they rise en masse—as one nation, so to say. They mingle with the life of Jesus, in his acts, and in his travels. Jesus dies, and they join the apostles. “We all continued with one accord in prayer and supplication with the women,” says Saint Peter.* “Have we not power,” says Saint Paul, “to lead about a sister, a wife, as well as other apostles, and as the brethren of the Lord and Cephas?”† Women form a body in the assembly of the disciples, and participate in certain privileges; women baptize, and prophesy,‡ and propagate the gospel. Saint Paul recommends to Timothy several women who had aided him in the divine work. The Church honors and sustains women whose very name was unknown before Christianity, “widows who are widows indeed.”§

The epoch of the Martyrs arrives: and the woman is elevated, or rather is revealed to the world as a being hitherto unknown. While the Tertullians defend the cause of God in the judgment hall with their genius, and the Saint Symphorians plead for it in the arena by their martyrdoms, who is this young sister who comes to take her seat beside them at the

* *Acts of the Apostles.*

† *Epistle to the Corinthians*, c. 9.

‡ Saint Paul, *passim*.

§ “Let not a widow be taken into the number, under three score years old, having been the wife of one man, well reported of for good works.”
“Honor widows that are widows indeed.”—*Saint Paul, Epis. to Timothy*, chap. vi.

banquet of blood? Is she indeed of the same race as the soft and sensual slave of Asia, or the impudent courtesan of Greece? She approaches the furious beasts with a courage that exceeds their own ferocity, and smiles among the instruments of torture.

The beings whom antiquity had pronounced of too feeble reason to witness a will, became witnesses in the cause of God himself—and that not singly, by an act of individual courage, as among pagans, but in crowds of two hundred, or two thousand, and imparting always a certain chaste inexpressible grace to those sanguinary scenes. Perpetua and Felicita,* the former a two days' mother, the latter still nursing her child, were condemned to confront a wild cow. Their clothing stripped from them, they were thrown into a net all naked, and dragged into the arena. At a spectacle so cruel, at the sight of those young mothers from whose breasts drops of milk still flowed, the people, hardened enough to go even so far, were touched with horror and pity, and with loud cries ordered their clothes to be returned to them. They are then conducted back to the barriers, and in a few moments Perpetua reappears in the circus, covered with a flowing robe. Then the cow leaps upon her, and flings her all bloody upon the sand; the young martyr quickly rises to readjust her robe, which being torn, had left part of her person exposed, and also to tie up her dishevelled hair; for it was contrary to decorum that martyrs should cover their faces on the day of victory as on the day of mourning.† Running then to her companion, Perpetua took her hand; and so standing united, they offered themselves as a double sacrifice to the beast, which soon put an end to both. Indeed, when Saint Jerome said that the women had shown themselves equal to the men in the age of martyrdom, he was unjust; they were superior to them, for exposed like us to all the tortures of the body, they could also be tortured morally.

The proconsul often changed the fatal sentence of a virgin

* *Actes des Martyrs*, Ruinart.

† *Ibid.*

into an order to expose her at the corner of the street, as a courtesan;* and this prelude to decapitation seemed, even to the judges, an aggravation of the punishment. A young girl laughed at her executioner, while he tore her body with a scourge: what did the judge do? At the conclusion of that punishment, to invent one still more cruel, he called a drunken soldier, and delivered up the young girl to him.† “Since thou hast only a soul, I will punish thee in thy soul; in default of physical weaknesses, we will try to get at thy virtues.”

After the age of martyrdom, came the proclamations of the faith, and the establishment of the creed; the power of woman was here more conspicuously displayed. Polytheism had been defeated in the amphitheatre; it was necessary now to conquer it in souls, and to make a religion of what was as yet only a sect. In this great work the women were the most active laborers. Indeed, the worship of Olympus depended almost entirely upon one single goddess, Venus. Everything connected with her—sensuality, luxury, the excesses of the table, pleasures, the arts even—were as so many allies fighting together for Polytheism. Like the Hercules of Prodicus, the world saw before it two divinities who beckoned it in opposite directions—Venus and Mary.

How beautiful was Venus! what seductions surrounded her! By her side walked, in irresistible retinue, a thousand young Roman women, who carried away the enchanted and corrupted world by the mere sight of so much delicacy. Borne on soft litters, covered with bracelets and jewels,‡ surrounded by perfumers whose superior stature betrayed their foreign origin, the hair covered with a white powder which set off the brilliancy of their black eyes, they united in their faces the sweetness of German features with the animation of the Southern countenance. For them all the pleasures of licence and all the honors of chastity! At once married and free, they take for a husband either a poor man,

* *Actes des Martyrs*, Ruinart. † *Ibid.* ‡ *Tertullian, passim.*

that his poverty may bind him to them, or one of their slaves to tremble before them—or even a eunuch,* whose deformity shall forbid all jealousy; and under cover of such a pretended marriage they deliver themselves up without fear to the transports of their dissipations, from all of whose excesses they are absolved, and to all of whose fruits they are entitled.

How now shall men be snatched from these easy and splendid debauches, and who will conquer these seducers of the world? The preachers? The burning pages of Tertullian, the grave tracts of Saint Augustine or Saint Jerome?—sublime words, but merely words. No; custom alone can oppose custom; women alone can conquer women: and so there arose, as by a miracle, the army of female Christians. Their names were as noble as their project, their fortunes as brilliant as their names; for it was necessary that they should possess all, in order to leave all. There were the Metellas, the Paulas, the Fabias, the Marcellas.† They advanced, as it were, against that army of corruption, and the struggle began. To the spectacle of vice they opposed their virtues; to the prevailing prodigalities, their privations. If a courtesan caused herself to be carried in a litter, which a whole estate could scarcely pay for, Paula traversed Palestine mounted on an ass.‡ If a patrician woman dedicated to Venus five hundred slaves for the rites of prostitution,§ Melania supported|| five thousand converts in Palestine. When the descendants of Poppea were followed in their journeys by herds of asses,¶ so that they could bathe in their milk, the descendant of Fabius, Fabiola, was seen in Rome, bearing on her shoulders poor lepers fainting with their loathsome

* Tertullian. Saint Jerome: letters and dissertations, *passim*.

† Saint Jerome.

‡ Saint Jerome, *Life of Paula*.

§ Strabo, book viii. Fleury, *Hist. Eccles.*, book i.

|| Fleury, *Hist. Eccles.*, book xvii.

¶ Pliny, xi. 41.

disease,* and conducting them to the hospital she herself had founded.

Commissioned to regenerate the world, these women had more than the fervor of charity—they were infatuated by it. It was Melania who disguised herself as a slave, to carry food to the Christian prisoners; it was Paula who sold all she had to give to the poor, and who even borrowed to lend. “Take care,” Saint Jerome wrote to her; “Jesus Christ said ‘let him who has two coats give away one,’ and you give away three!” “What matters it?” she replied; “if I am compelled to beg or to borrow, my family will pay my creditors, and I shall always find a morsel of bread for myself; but if the poor creature whom I neglect dies of starvation, who will be accountable for his death, if not I?”

Finally, it was Mary the Egyptian, Mary the courtesan, who was seized at the sight of Calvary with a repentance so desperate that she tore her garments; then she was driven into the desert, and for three years was solitary and naked, living upon herbs, which she grazed rather than gathered, and wandering under a consuming sun, her body all black, and her long hair, which enveloped her like a shroud, all white. Here we see by what transporting penances, and by what prodigies of charity, the women, intervening for the liberation of the world, overturned the corrupt Olympus that oppressed it. Saint Jerome teaches us this in the “Life of Paula.”

Descended from the most ancient pagan houses, Paula was daughter of the illustrious Christian Leta, and granddaughter of Albin, a pagan priest. Saint Jerome made of this little girl an instrument of conversion. “When Paula met her grandfather, Albin, he wrote to Marcella that she ran to him, fell upon his neck, embraced him, and in the midst of her caresses insinuated praises of the true God, even though he did not wish to hear.”† This *breathing* of the true faith

* Saint Jerome. *Life of Fabiola*.

† Saint Jerome, *Life of Paula*, *Treatise on Education*.

into an infidel soul, by the innocent mouth of a yet lisping girl, is at the same time delightful as a particular fact, and worthy of consideration and remark as a general one. Indeed, the lips of women, from Paula to Clotilda, were the true and pure instruments by which pagan hearts were changed. Persuasion was not the only power of those new apostles; they did more than think—they knew and they conquered. Nurtured from infancy upon strong religious teachings, all that generation of Christian women joined to the holy ardor of proselytism the profound studies of the theologian. Paula understood Greek, pronounced Latin in a faultless manner, read books of doubtful orthodoxy, in order to judge of them, and even learned Hebrew, so as to have command of the Psalms of David, and the words of the Prophets as themselves uttered them. Marcella proposed to Saint Jerome some doubts and objections upon certain passages in the Holy Writings. To comment upon the Bible, to re-read and interpret the Books of the Prophets and Kings, was the habitual occupation of all the young Christian girls; and there were two thousand virgins in the city of Ancyra alone. Saint Jerome addresses fifty out of a hundred theological letters to women; fifteen of his treatises out of twenty are on the subject of female education. He dedicated his explanations of the Psalms to Principia, his treatise against the Montanists to Marcella; he consulted Eustochia on the translation of the book of Job; and one is truly touched in perusing the book that he composed expressly for the education of Paula. “If you fear,” said he to Leta, with all the solicitude proper to the teacher of a Christian soul, “if you fear that the pleasures of Rome will turn you aside from your holy task, send the little girl to her grandmother Marcella, at Bethlehem; let the cradle of Jesus Christ be the setting for this precious stone. Or, indeed, if the cares of her grandmother do not satisfy you, send her to me. I promise to be at once her master and her nurse. I will carry her in my arms; my old age shall not hinder me from loosening her tongue, from forming

her first accents ; and I shall be more glorious than the philosophic Aristotle—for I shall instruct not a perishable king, but an immortal spouse of the celestial King.”

Thus this great man saw in women the surest allies of the doctrine of Jesus ; in his eyes they were not only saints, but soldiers. Certainly, after so glorious and so sustained a part in the most important revolution of the world ; after so many proofs of courage, constancy, intelligence, power even, afforded by women as a class ; after four centuries, in which all the virtues were exercised by them in spite of all their subjugations, it is no longer allowable to disqualify them on the ground of incapacity, and we must look upon this first position as fairly and completely refuted.

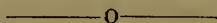
The woman is equal to the man. But how ‘equal ?’ because her characteristics are identical with his ? because she resembles him ? No ; for in religion even, if she has done as much as man, she has done nothing like him. She wished for and won a place—but her own place : a trait characteristic and decisive. Under the Apostles, the task the women chose was a task of solicitude and vigilance—the office of mother. In the period of martyrdom, they knew how to remain women by their modesty, even in becoming men by their courage. Among the wise Fathers, while the preachers spoke, while the learned wrote, while the Origenes sought for the foundations of the faith, and the Councils established them, the women loved and consoled. To us the mind of Christ, to them the heart ; they learned on Calvary to reverence wounds, and kiss the blood which flows from them ; and near to the noble figures of the early bishops is portrayed, in the same rank, although more subdued in shadow, the delicate type of the sister of charity. In the time of the Saint Jeromes and Saint Augustines, in an age so fruitful in religious discussions, among a thousand women who consulted the doctors, or whom the doctors consulted, there was scarcely one who wished to become a doctor herself. In this brilliant procession of admired Christian women, only Marcella wished to

preach in public, against the heresiarchs. The women spoke only through the discourses of the men—according to the charming comparison of Plutarch, like a pipe which sings only by the lips of another. The mystic pagan image of the nymph Egeria—a concealed being who directed, but did not act—seems also a symbol of the Christian woman.

These facts are eloquent enough; and as the result of our historical analysis we have the definition of the feminine nature already indicated: equality with man, but equality in difference. Everywhere and always men have perceived in women, and women in themselves, beings charged with an unmasculine mission; beings equal to us, but differing from us; inferior on one side, superior on another—both able to perfect themselves, and conduct the world to happiness, only by alliance.

History then equally condemns, both the conservatives who see in the unlikeness of the sexes the inferiority of the woman, and the reformers who seek for her equality in her resemblance to man.

Let us now interrogate psychology, and see if it will bring us to the same conclusion as history. To our review of the deeds of woman succeeds an inquiry into her nature.



CHAPTER II.

PARALLEL BETWEEN MAN AND WOMAN.—DISTINCTIVE CHARACTERISTICS OF WOMAN.

WHAT is a woman? The question is itself an answer. We do not ask, What is man? The history of the past and of the present define him. From the first day of the world his part in civilization and life was marked in clear characters; and from that first day, too, woman has borne on her brow her mystery. She is then other than we, since she was so at

her birth; and this other thing it is which we must search for.

The first glance reveals to our consideration only the resemblance between the two beings. Woman, as well as man, has an immortal soul. Like him, she possesses the gifts of intellect, of beauty, and of heart; to her, as well as to him, belong the sentiments of the good, the beautiful, and the sacred. Where then is the difference? Is it, indeed, that all these faculties, though found in woman, are hers in an inferior degree? Or, should it not rather be that an unequal division awards the superiority to man in some respects, and to woman in others? The whole problem rests on this decision. The first supposition, indeed, proclaims, without question, woman's inferiority; but if the truth be found in the second hypothesis, equality may enter the lists and try its chance of victory. The protracted subjection of woman proves but one thing—that the world so far has had more need of the dominant qualities of man, and that her hour has not yet come. Now merely from the fact that it has not come we have no right to conclude that it will not come. How many centuries did it take to produce this simple maxim of common sense, All Frenchmen are equal before the law? The tardy advent of an idea, so far from proving its uselessness or fallacy, is often an argument in favor of its grandeur. The principles of liberty, charity, fraternity, are all modern principles.

So, let us try this parallel, and begin with an examination of the body. An important fact strikes us at once: among animals the superiority of strength, beauty, and health, is found sometimes with the male, sometimes with the female. If the lioness may envy the lion his formidable tail and royal mane, if the stallion excels the mare in strength, if the bull displays on his imposing front and burly neck his titles of natural sovereignty, almost the entire family of birds of prey shows us the female superior to the male in muscular energy and size. The female of the falcon is larger than the male, the female of the eagle is stronger than the male. Among insects

the ants and spiders maintain the fact of female superiority. Even where strength falls to the lot of the male, that superiority never reaches the point of domination. So far as I know, there is no "lord and master" in the whole animal kingdom—or rather there is, in one class, and there it is the female who rules. Bee-hives afford us the curious spectacle of fathers managed, supported, expelled, and killed, by mothers.

From these diverse models which has God chosen, to shape the human race after? Neither and all. In no other race is the predominance of masculine force more plainly marked; but in no other do grace and beauty belong more exclusively to the weaker sex.

The body, in fact, is an instrument, an ornament, an interpreter. As an instrument the masculine organism evidently surpasses that of the woman. Man's more vigorous limbs carry him farther and faster, his muscular arms lift and support heavier weights, his chest emits louder sounds, and his stomach, a more vigorous consumer, more completely renews his strength.

But if we consider the body as an ornament and an interpreter, all the advantage is with woman. A beautiful woman's face seems the most finished work of creation. A woman's physique (I include the face) is, so to speak, a thousand times more eloquent than a man's. The masculine physiognomy and masculine gestures have truly a singular power of expression and accent; but they represent the French language—exact, strong, but limited. The person of woman, on the contrary, recalls the Greek; it expresses everything. Marvellous instrument of flexibility, copiousness, and variety—she is of all shades! Man has ten expressions, woman a hundred. Man has one smile, woman a thousand. The voice, especially, with us sonorous but harsh, in woman abounds in half tones and quarter tones, which reproduce, like so many echoes, every vibration of the heart and thought.

So with regard to the body: man excels in power, woman in delicacy. Here then is equality in difference.

Now let us pass to the examination of their spiritualities. The first object presented to our analysis is the intellect—that is reason, with its severe attributes—and imagination, with its laughing and mobile train.

Shall we speak first of that reason which is practical, and in daily use—consisting in the intelligent arrangement of one's common life, and to which the spirit of order, foresight in domestic management, and the art of regulating the family expenses according to the income, are such necessary appendages? To define this is to award it as the natural appanage of woman. One might, therefore, reasonably conclude that if women were suitably educated they would bring into the administration of the revenues, and the management of private business, a prudence in detail, and a minute precaution, which often the vigor of the masculine mind excludes. Man is a better speculator than woman, woman a better *man of business* than man. One can better win, the other better keep, a fortune. Here then, again, is equality in difference, and the necessity of union.

Reason is, also, that mental justness which in difficult cases directs us to “the better part.” Man and woman here display excellences and defects entirely opposed. Man is led by calculation and personal interest, woman by passion and sentiment; the one judges by instinct, the other by reflection; he sees the truth, she feels it. Ask a woman for advice, and it will flash forth like sparks from a flint. But do not force her to analyse her opinion; it may be she will not know her reasons—perhaps she can find but poor ones for you; and yet she will be right. But slightly used to the severe exercise of logic, little suited by her nature to a rigorous deduction of ideas, she is intelligent, as one is a poet—from inspiration merely.

Man, on the contrary, has reflection at the first foundation of his good sense. A sure but slow counsellor, in order to enlighten you he needs first to enlighten himself. He must balance the pros and cons. He is right only by force of reasoning.

Which of these two judgments is the better? Neither!

Separate them—they are still of value; unite them—they increase tenfold.

On reason, again, depends that faculty which imparts to us a knowledge of others and of ourselves. The study of others has two subjects, men and man—the individual and the race. Woman's penetration is unequalled in judging of the individual. The dimmest emotion of the heart, the most covert ridicule, the most mysterious design, is as visible to her as an open act. Woman's whole system of defence and authority is founded on this knowledge, and it is so profound as often to serve as a counterbalance to laws and customs. Armed with this potent science, the wife sometimes succeeds in bursting her bonds; the coquette rules by this; leaning on this floating and yet trusty anchor, Célimène dares to say sublimely to Alcestis, "*Il ne me plait pas, moi !*"

But here woman's sagacity is bounded. A woman admirably understands the men of her acquaintance—she does not understand man. Nothing in the individual escapes her, everything is obscure in the race. If then the question be to generalize from particular ideas, to draw from them the philosophic laws of the human soul, or the scientific exposition of our faculties, or indeed the laws that control the great movements of a nation, a mass, an assembly—woman is eclipsed and man is brightest. The world of facts is too present to a woman, not to hide from her the world of ideas. Nothing proves this more clearly than her manner of knowing herself. Women possess a remarkable consciousness of their own emotions, and even of the corresponding expressions of the face. Thanks to that electric sensibility which receives an impression from the imperceptible, they find time to feel a thousand times more than we, and to feel that they do feel; all the manœuvres of coquetry, the science of glances, the inflexions of voice, suggestiveness of gestures, show us in woman a being who attends to her life in its minutest details. One might say that a mirror, invisible to all others, ever reflects her to her own eyes; and yet the γυνὴ σαυτὴν, in its large philosophic

sense, is unknown to her. She does not know herself scientifically, she cannot define herself.

And it is best so. The power of analysis almost always excludes that of synthesis. The human intellect is so imperfect, even in its grandeur, that its superiority often serves as its own limitation. The illustrious Geoffroy Saint-Hilaire was Buffon's successor in the wide scope of his synthetic views, and in his powerful comprehension of the general laws of nature. He too could only with difficulty attain that precise knowledge of facts in detail, wherein the analytic genius of Cuvier shone; and he expressed this in very charming words and full of meaning: "A singular thing!" he said, with the naiveté of a superior man, "when M. Cuvier and I were walking in the gallery of monkeys, he saw a thousand, while I saw but one." To the one, the genius of the individual—to the other, that of the class. And such is the history of man and woman.

Consequently we find that metaphysical systems, abstractions, general and political ideas of country and equality, should be indifferent or unknown to woman. There is but one method of introducing them to her intellect, and that is by way of her heart. Show women all the suffering that the individual incurs from social inequalities, and then, and only then, do they become enthusiastic for the rights of man. What justice is for us, charity is for them. So with the idea of God: To man God is some *thing*—to woman, some *one*; we explain Him, comment upon Him, create Him sometimes—they only love him. Woman then can, as to ideas wholly abstract, rise by study only to the reason which comprehends, rarely to the reason which creates. No mathematical discovery, no metaphysical theory, owes its origin to a woman. In Greece, where female disciples crowded so eagerly round the great schools of philosophy, where Pythagoras counted a multitude of women among his followers, not one philosophical system emerged from the brain of a woman. Intelligent as interpreters, passionate as disciples, their power stops,

and always has stopped, where creation begins. Our own age affords a brilliant example: We have among us a woman whom nature has endowed with a manly character and style; all the qualities which seemingly denote the philosopher—love of general ideas, contempt for prejudice, the sentiment of human dignity—she has them all. Indignant against slavery in all its forms, against the laborer's oppression as well as the wife's, her sympathizing and reforming pity is excited by all the problems which affect society and man. Has she produced a system? No! Even in her professional character, as a novelist of society, she has remained a woman—that is, an echo, a mirror, an *Æolian* harp. She has successively reflected all the views of the theorists whom chance or her own instinct has introduced to her. Behind each of her thoughts there is a thinker. Only two things in her system are peculiarly her own, the soul which feels, and the style which expresses. Women are philosophers only through the heart.

This remembrance naturally brings us to that other faculty of the mind, which has for its object the cultivation of the arts—imagination.

Women are artists from temperament. Sensitive like the artist, and like the artist true instruments of precision, they feel and mark, as it were, the most imperceptible variations of atmosphere in the domain of feeling. Like the artist every beautiful thing inspires them, like the artist the real world oppresses them, and more than the artist they possess exaltation. The artist, in his enthusiasm, sees in love itself only glory—that is himself. Woman, even in glory, sees only love—that is another. Everything then seems to call her to the first rank in the arts.

How happens it then that, from earliest antiquity, even down to our own day, we cannot cite a single great work signed with a woman's name?

In painting and sculpture, no portrait, no landscape, no immortal statue by a woman!

In music, no symphony, no opera, not even a sonata (I speak of masterpieces) by a woman!

In the dramatic art, not a tragedy, not a really celebrated comedy, from the hand of a woman!

In epics, the same phenomenon; and in its turn, history counts no female Tacitus nor Thucydides.

How explain these facts?

By the insufficiency of female education? Certainly, that may be one of the causes which has produced them, but it is not the only, nor perhaps the principal one. The study of music, for example, occupies a much larger space in woman's life than in ours; the theatrical profession is open to actresses as well as to actors: and yet neither constant familiarity with great musical works, nor perpetual intercourse with the public taste, which contributed to produce Molière, Shakspeare, and Le Sage, have inspired women with dramatic or musical genius.

We must then seek elsewhere for a solution of the question—that is, in the nature of the persons or subjects.

Wherein is the foundation of dramatic genius? (I say genius, not talent.) In the knowledge not of men only, but of man. Racine defined it “the sublime reason;” which was as much as to say, that neither wit, nor subtilty, nor knowledge of the world, nor shrewd observation of the comicalities of a day, suffice to form it; but it must have, as its basis, that powerful and creating faculty which embraces, like an atmosphere, all human creatures. Genius represents, in the domain of imagination, what the synthetic power signifies in philosophy. What constitutes the superiority of the historian? a knowledge of the influences that control social or political movements, a philosophical comprehension of the general laws of the human mind, a correct estimate of the passions and instincts of the masses—in short, the power of separating one's self from one's own period and country, and incarnating one's self in other ages, and among other nations, without however ceasing to measure and judge of them. All of which are faculties of generation and abstraction.

Whence comes the incomparable grandeur of the Epic?

From this, that alone, of all works of art, it sums up, in a single work, an entire age of civilization—a nation, a faith. It is the most forcible of poetic syntheses.

Now, if we reconsider the mental analysis we have attempted, we will find that the faculties which constitute genius are precisely those that are wanting in the nature of woman. Woman, in the higher walks of art, may be ingenious, touching, eloquent even, but rarely grand. As a compensation, or rather as a result of the same law, there are four secondary kinds of writing which promise her brilliant success—elegiac poetry, romance, the epistolary style, and conversation. Here all her excellences are admissible, and her defects become excellences.

The poet, in elegy, is not a creator who sways, he is a slave who obeys. The soul, exalted by itself, or melted in itself, is enraptured, made eloquent. Women have found in this poetry of the heart incomparable tones. Sappho was but the clearest voice of a whole charming choir of female poets, the pride of Greece;* and, in our own time, when the career of literature is open to women, love, and maternal love, have found in them interpreters less learned, but perhaps truer and more profound, than our greatest poets.

Romance is to the epic and the drama what the individual is to the crowd. All that is really his own, in every individual, all that is true beyond and beside general truth, variety, originality, eccentricity even, compose its richest and most natural province. What it seeks in the human heart is its mysteries. It lives especially upon analysis; so, among the masterpieces of the domestic epic, we do not hesitate to class the *Princesse de Clèves*, *Corinne*, *Adèle de Sénange*, *Mauprat*.

Women are our superiors, as they should be, in conversation and letter-writing. What, in fact, do letters and conversation disclose? Improvisation—an improvisation of

* On this subject see, in the *Encyclopédie Nouvelle*, an admirable article by M. Mongin.

feelings as well as of words. The emotion prompts the word, the word, in its turn, excites the emotion; the more unexpected the thought to him who speaks, the more subtle to him who listens, the more piquant the conversation. And as the gesture, the glance, the tone, come to the aid of the word, all those little worlds of buoyant thought rise in the air, like so many soap-bubbles, rainbowed and intangible—like them disappearing as soon as we pause, rising again like them, at another breath. This sort of genius belongs especially to women.

After the creating, come the interpreting artists. The prime qualities of comedians or singers are, a talent for observing details, that flexibility of organ which lends itself to every turn of thought, and above all, that mobile, ardent, varied sensibility which multiplies, in an almost incredible manner, the sensations and the signs intended to express the thoughts. So women are more naturally comedians than men.

All the great cantatrices, as experience proves, attain their highest performance before twenty—that is, after four years of study—while a great male singer requires eight. We have all seen a consummate actress not ten years old; and it was reserved for the female sex to produce the prodigy we are admiring to-day—a young girl rising in a few months, almost under our eyes, to the highest dramatic sublimities, whither Talma, Lekain, Baron, arrived only after long effort, and in the last years of their manhood.

An important faculty of the intellect still remains to be considered: the power of enjoying and appreciating works of genius. The ample leisure of women, and their quick enthusiasm, have always secured to them a large share of influence in these respects; but is the influence a happy one? Is woman's taste as sure a guide as man's? Yes and no. There is a critical taste, just and rational, sometimes very elevated, arising from the culture of the intellect and the exercise of the judgment, which seeks, first in a work, its relation to the principles of art, or to some conventional rule, and which

sometimes, if the judge is eminent, transports him, we might say, into posterity, and establishes his jurisdiction beyond his own time. Women rarely possess this sort of taste.

But there is another, instinctive, unreflecting, which is not troubled about the style, or the trick of composition—or, if it perceives these, does not consider them. Emotion is its guide, life its first need. For this, neither past nor future is to be reckoned; the present alone is all in all—that is, the conformity of the artist to his time. Such is the public taste, and such is woman's taste. The most cultivated, as soon as they listen, become so many servants of Molière. Precursory heralds of all the renowned, they detect by his first word the man who will please his age; they recognise and hail, even in the first shadows of the gloaming, the star that leads to his cradle; and drawing after them that other mobile, enthusiastic, and charming class called youth, they run to kneel before the rising god. Of these two tastes, of these two guides, which should genius follow? Both. Those only are great works which belong to all time by their eternal truth, but which are closely linked to their own epoch by relative truths. Now, to please woman, is to be one's own time; hence the brilliant glories of Racine, of Jean-Jacques, of Voltaire. Who compelled them, philosophers and poets as they were, to come down within reach of the vulgar? Women. An eminent professor, who had a few ladies in his audience, relates that, being compelled on one occasion in the course of his demonstrations to speak on a somewhat delicate question, he announced to the ladies that he should depend upon their absence for the next lecture. At the time appointed—a hundred women instead of twenty! What should he do? To speak as though in an assembly of men, was to run the risk of being neither understood nor relished. So he threw away his “plan;” that troublesome but exciting audience suggested to him clever changes, happy turns of expression; he became at once clearer and more ingenious; a few women made a remarkable work out of a cold lecture.

To resume. Intelligence belongs to woman as to man, but differing in characteristics rather than in details. Is the difference here equality? Evidently not; for the women excel only in secondary qualities, while the men rule in the superior; but let us also remark that these higher qualities fall only to the lot of choice spirits, belong only to exceptional positions, and can no more be considered a necessity than a rule. Genius is not essential to the constitution of an intelligent creature; besides, intelligence alone does not make the man. Indeed, does not the character come first? The word character (to limit myself to two common acceptations), signifies the habitual state of the soul, or disposition—and moral vigor or courage.

As to disposition, women are either much better or much worse than men. There are diabolical characters among them, but there are angels also. When a woman has an even disposition, this evenness, which seems but the absence of fault, becomes in her an ensemble of virtues; grace, benevolence, compassion, arise in its train. What delightful qualities are implied in that simple phrase—a charming character!—now, let us confess, it is only well applied to women. A man cannot be over twenty who considers gentleness a force. The vanity of men finds even an advantage in their passions; *unevenness* of disposition is, in their estimation, the mark of a strong man, a master; they would think themselves less manly if they were gentle.

By way of compensation, moral vigor (what I should call the executive power), naturally weaker in woman, is still more enfeebled by education. She does not know how to act, she does not know how to will, because her character has been trained neither by will nor action. Nevertheless, let us not deny that women have courage. They have theirs, as we have ours; and certainly it is not of less importance, or of less useful or common application. If it is a question of danger, and the shedding of blood, the man springs forward, while the woman trembles; this is active and

external courage. But the man knows neither patient suffering nor resignation; sickness breaks him down; loss of fortune crushes him; and it is just here that woman triumphs. Yielding to evil fortunes, she bears not only her own troubles, but the troubles of others. Half the men support themselves by the hand of a woman. It is woman who reanimates the broken merchant, the discouraged artist; with a broken heart she smiles to make him smile; she represents at the same time resignation and despair.

Especially does she represent that fundamental quality, with which we shall conclude our hasty analysis—the heart.

The heart has no need to be defined: whoever feels the word understands it; and the whole world feels it, for it embraces all the affections which make the man a son, father, brother, lover, husband—man.

For filial love, let us add one remark to what we have already said of it.* The type of Antigonus has no counterpart among sons.

As to maternal love, we notice that all the ancient and modern languages express by a single word the affection of a brother or a sister, a husband or a wife, a daughter or a son: we say filial, fraternal, and conjugal love; but the tenderness of a mother for her children is marked by a character so peculiar, that all the tongues have consecrated to it a particular name; in the south as in the north, they speak of maternal love as well as of paternal. It must be that among women this sentiment has an energy entirely its own, for we find it even in the hearts of children. A little girl, five years of age, who in an Infant School was set to watch over some children younger than herself, came crying to the teacher; and when asked the cause of her tears, replied, "My daughters have not been good." Had it been a boy, added the superintendent, who told me the story, he would have said "My pupils," and probably would have scolded them instead of crying over them.

* Book I.—The Girl.

Conjugal tenderness has its heroines—we know but little of its heroes. What models can the men oppose to Alcestis, to Eponine, to Madame de Lavalette? This love is so natural to the heart of woman, that even when it has been extinguished by another passion it is often relighted by some danger that threatens the husband. An unfaithful wife is seen at the bedside of her ill and betrayed husband, consecrating to him her days and nights, and neglecting him whom she loves, and who does not suffer, for him who suffers, but whom she no longer loves. A husband will perhaps fight for his wife, although she is indifferent to him; but it is his pride that defends her, not his heart.

Fraternal and sisterly attachment, since equality in inheritance has destroyed the old jealousies, afford models equally charming in the brother and sister. As the advantage of age commits to one or the other the part of protector, this office changes character without losing anything of its grace. The brother protects as a knight, the sister as a mother; their friendship has sex without having sense.

As to charity, no one disputes the superiority of women there; they have genius for it. The man gives or does not give his money, the woman “throws in” her heart. A louis in the hands of a good woman comforts more poor people than a hundred francs in the hands of a man. Feminine charity reproduces every day the miracle of the multiplied loaves.

Finally we come to love; and a single phrase at once opens an abyss between the love of the man and the woman. The one says: “I am thine;” the other says: “She is mine.” It is the difference between the one who gives and the one who receives. If we analyse our masculine love severely, we shall find there many elements foreign to true love: vanity and sensual desire leave to the passion little more than a quarter of our souls; without considering that in this remnant of ourself there is always room for dreams of glory or ambition. The artist, the savant, the speculator in love are still

speculator, savant, artist; to the women whom they love they go to weep over their defeats or to boast over their triumphs,—but still they boast or weep. But the woman who loves can only love.

Molière has presented a double character in Harpagon; he has introduced him amorous though avaricious; and has left him avaricious though amorous. If he had chosen a woman for a type, he would have made her avarice fall prostrate before her love. Indeed, love takes root so deeply in the soul of woman, that it occupies it entirely, and even regenerates it. A coquettish woman loves,—and there is no more coquetry. A fickle woman loves,—and there is an end to her fickleness. We have known women, though stained with a thousand excesses, to find suddenly in a profound passion even modesty, even delicacy of attachment. But if a corrupt man falls in love with a pure young girl, what is the consequence? Instead of becoming pure like her, he renders her corrupt like himself. Women find all the virtues in their loves; we too often introduce our vices into ours. If chance or a caprice puts a man, already in love with one woman, in possession of another, whose beauty, or whose rank, flatters his vanity, he will bless his luck and take her. But a woman who truly loves would shudder with horror at such a connexion, were it even with a hero or a sovereign. There have been those who preferred death to such a fate. Even history embalms more than one who abandoned herself to the object of her hatred, so as to save the object of her love; and impartial statistics show, that out of twenty young girls of eighteen years who were condemned for theft, nineteen stole to enrich the men they loved.

Finally, a last witness takes the stand, to show us how entirely peculiar is the empire of passion over women. Love exists (can we believe it?) in the hearts of abandoned girls. Their austere and gloomy historian cites examples of a tender attachment elevating them,—not only to heroism, one can conceive of that,—but even to delicacy. They learn how to

create for themselves a kind of fidelity towards the beloved. Yes, in the midst of their utter abandonment of person, from their shocking trade in proofs and expressions of tenderness, they often reserve certain signs for the man they love,—such as some chaste and tender appellation, a pressure of the hand, a preference almost virginal; and this, their part of love, once bestowed, never is another admitted to it. This last feature reveals to us a new mystery in the female organization,—the imperious necessity of ideality in love, and the almost constant subordination of physical to moral passion. With man, the physical is almost everything in the relation of the sexes; with woman, the soul is sovereign.

Thus, in the domain of intellect man has the supremacy; in the character the advantages are balanced; and woman is supreme in all that regards the heart. It is the heart which makes these frail creatures such indefatigable nurses; a woman will prolong her watchings for several successive nights even, while the more robust man, exhausted by a few hours of sleeplessness, will slumber beside the dying. It is the heart which inspires them with a sublime tenderness that we never know. Madame de Chantal, when she was about to become a mother, beheld her husband, whom she adored, mortally wounded in the chase by the imprudence of a young kinsman. In his despair, the young man would have killed himself; but when Madame de Chantal learned that, she immediately sent word to him by the priest of the village that she had chosen him to hold at the baptismal font the child she had just given birth to.

A poor servant girl was conveyed to a hospital, with paralysis of the larynx, which deprived her of speech. Her grief, which was inordinate, uttered itself in sighs and torrents of tears. The resident physician subjected her to a rigorous, though for a long time useless, treatment. At last, one night, she tried as usual to move her rebellious throat. A word escapes, she speaks, she is saved! Then what did she do? No doubt she called to her companions in mis-

fortune, and told them "I can speak!" if only for the sake of hearing her own voice. No, she was silent. Six o'clock, seven o'clock struck; the watchers brought her her nourishment; still she was silent; and only occasionally, muffling her head under the bed-clothes, did she assure herself of her cure by a few syllables pronounced very low. At last the door opens, the physician enters and approaches her bed; then, with a smile full of tears, she says to him: "Monsieur, I can speak, and I have saved my first word for you, my saviour!"

Only a woman could have thought of that, for the empire of the heart belongs to her.

Now, which weighs heaviest in the divine or the human balance? which counts for most towards the improvement of man and the happiness of the world? the intellect or the heart? To love is to think; but to think is not to love. What are all the systems of philosophy, all the social utopias, all the political utopias, all the creations of the mind—works mostly fleeting, which, sublime to-day, may be ridiculous to-morrow? What are they in comparison with tenderness—that adorable and immutable virtue, which is of no date nor age, and which alone brings us into true communion with God? Though genius should disappear to-morrow from the earth, the world would still remain worthy of its Creator's regard; but if tenderness, if love, should be abolished from it, the whole globe would be turned into a very hell. It was a sublime saying of Saint Theresa, "How I pity the devils! they do not love."

Our analysis is finished; and if we do not deceive ourselves we have, as from the study of history, this evident truth: the woman is equal to the man—equal though different. Her mission, like her nature, ought then to be equal though different. Certain domestic offices, and most social offices, require masculine qualifications; to impose them upon women would be to degrade them, by forcibly condemning them to inferiority. But the feminine qualities demand, in their turn, certain employments, which must be granted to

them, both on their own account and on ours. Women call for duties just as much as duties call for women. The element they represent, not being sufficiently represented, is vacant. We have tried to define this element; let us seek for it now in the three principal states of existence, which embrace all the others—family life, professional life, and social or political life.



CHAPTER III.

WOMAN IN DOMESTIC LIFE.

DOMESTIC life! Yes, this long argument, as we said in our preface, has but one veritable object,—to celebrate the joys the Family bestows, and to describe the duties it imposes. I bear so deeply impressed upon my heart the unshaken conviction that there is no absolute evil with the family, and no real good without it—all virtue, all grace, all happiness for woman seems so closely linked to the fate of the domestic hearth—that of the various reforms claimed by us, there is not one which has not for its ultimate object to render woman more worthy of her home-life. Permit me, then, to represent, in a last and comprehensive glance, the whole moral grandeur which the family owes to woman, which woman owes to the family.

The holy title of Mother of a Family has long represented only ideas of devotion and tenderness. It will be one of the results of our time, I think, to show that to be a wife and mother is not only to love, but to labor. Maternity is a career,—a career at once public and private; marriage a profession, with all the hopes and occupations of one. Who can dispute this? The simple words, Maternal Education, prove it. Can it be denied that all of a young girl's youth, a

woman's whole life, may be scarcely enough to prepare the one for the duties of an educatress, and the other to fulfil those duties? If we say to a woman, "You shall have the care of your sons and your daughters," are we not granting her, are we not imposing upon her, the acquisition of every kind of knowledge, and at the same time giving her a use for it? If we regard a professorship as a sufficient field for the activity of man, what must we say of this professorship of the mother, in which she lavishes not only her whole mind, but her soul even, and her life. Observe a mother giving a lesson to her child; notice her expression, listen to the tones of her voice, and compare, if you can, the amount of energy and vitality expended by her in an hour, with the spiritless labors of a hired professor. If the child succeeds, her eye moistens; if he fails, her heart fails. Hope, discouragement, anxiety, all that constitute the passions, meet in her occupation. Leaning over her child's paper when he writes, hanging on his lips when he answers, she aids his thought, she urges it, she coaxes it forth, she creates him a second time. As to marriage, let it become what it ought to be, what it shall be, and woman will find in it a double use for her activity—first, in the management of her own property, and then in the beautiful characters of wife and companion. For this end it is not requisite to change the laws; it is only necessary to appropriate to marriage a fact which belongs to it, which can be of no use without it,—a fact as old, if not as the world, at least as civilization, and which occupies more and more space in the world, in proportion as the character of woman is elevated. I will explain my meaning.

Men have all the employments; they are judges, advocates, poets, soldiers, legislators, scholars; the whole universe revolves round them alone. Such is the palpable fact; but behind this visible reality there exists sometimes an invisible reality, which determines or modifies it. Do all the eloquent words to which the orator owes his glory, all the great acts which distinguish the public man, come from themselves

alone? Or rather, behind the great and glorious day which presents them to the admiration of the crowd, in all the plenitude of their power, is there not often found, half-enveloped in shadow, a mysterious being, blending her voice, unheard by the public, with *his* entrancing tones? communicating, unseen by the public, her buoyant strength to his sublime energy? To the mind of every man of observation this is beyond question. Review in your memory the eminent men who are known to you, and more than once, as you penetrate into the secrets of their lives, you will find a woman who has her share in them—who is the inspiration, as they the action. True in all time, this fact becomes almost a rule, since educating women strengthens them. Many a manly life is double, and represents the two sexes; and a man is, perhaps, completely himself only with a wife, and through a wife.

Ah! only marriage can impart to this influence of woman a character of permanence and purity. I do not believe in the beneficent inspirations of a woman who was not loved yesterday, who will not be loved to-morrow. Without memories from the past, without hopes for the future, such love cannot be a counsellor. Knowing how short its life is, it hastens to manifest its existence by the violence of its reign; and the woman who inspires it is a mistress, not a companion. But a long life-road travelled, and still to travel together, a future in common, and a common past—especially children to bring up—in fine, everything in marriage, imparts to the influence of the wife a calm and serious character, which really renders it a profession to her. What there is of relative in this existence only the more happily accommodates it to the nature of woman. To live for another, to express herself through another—to disappear in a glory or a virtue of which she is the spirit—to shed blessings and conceal the benefactor—to learn, that another may know—to think, that another may speak—to seek for light, that another may shine: there can be no more beautiful destiny for woman than this; for it all signifies

devotion. And what profession more noble? What employment in life better adapted to all the qualities of woman? The half-shadow suits her modesty, the interruption of effort her physical weakness, the momentary flights her enthusiasm, the vigilance her acuteness, and, above all, the office of comforter her spirit!

Every wife, who is truly a wife, regards her husband's career as her own. Look at this philosopher, for instance: He is an inventor; with ardent genius he aims to get a complete view of the subject; his impetuous activity carries itself at once to every point of knowledge, and opens at every plunge unknown vistas. How glorious! you will say. Yes, but sometimes, too, how sad! For blind mediocrity ignores, and clear-sighted mediocrity attacks him; the obtuse who do not comprehend him, and the envious who comprehend him too well, conspire to cast him out among the fools. From such scoffings comes despair,—he doubts his own powers. He will succumb! No, be assured he will live; for at his side is a woman, his wife, who has understood him, and who directs him to the future. She it is who recalls him to his imposing labors. "Explain to me your ideas, your designs. To be sure, I am ignorant; but Jesus did not scorn the poor in spirit, who are rich in heart. Speak!" So he begins; and the ideas, which to the disheartened man seemed dead, take new life as he expresses them; the necessity of explaining his abstruse discoveries to a mind, to which they are strange, forces him upon clearer language, which makes them clearer to himself. He creates as he narrates, and she is elevated as she listens. Enthusiasm takes possession of him, he casts himself into the struggle; and the profoundest joy of his wife is in not being reckoned in the victory, which perhaps he would never have gained without her.*

As with the scholar, so with the artist—what would he be

* Let us observe that all this applies not only to men of genius, who are rare, but to all men engaged in serious pursuits. We show only the topmost round, but the rest of the ladder may be conjectured and inferred.

without a wife? God, who seems to have marked the artists for his own, has produced no more unhappy creatures. To be thrilled by the beautiful, and disgusted by the ugly, is to abound in torments which seem impossible to those who do not feel them. A sensibility so delicate as to be stirred by an effect of light, or melted into tears by a touching word, sends them unarmed into the conflict with the rough realities of life. In comparison with others, they are like men walking barefoot over flints, while their companions are protected by stout boots. Only woman's hand is delicate enough not to shock the fancy of these sick children. What did Tasso lack? A wife. And Camoëns? A wife. Gilbert with a wife would not have died of despair, nor Malfilâtre of hunger. Many a painter, this day acknowledged a master, would have seen his genius extinguished in misery, had he been alone. Behold him! the ideal is his dream, everything earthy escapes him—yet he must live; his wife must think of all that he forgets. Leaving him to his sublime reveries, his ardent pursuit of the beautiful, and uninterrupted intercourse with his work, she takes upon herself the material cares, the ordering of each day's affairs, the teaching of the children. Seated at the door of his studio, which she respects as a sanctuary, she keeps quiet around it; she is careful that no worldly noise shall trouble the creator in his silent occupation; she has reserved for herself the painful and prosaic side of life, and without even dreaming of it has chosen the most poetic of the two existences; for devotion is poetry in action.

If we turn from the arts to offices of public trust, what a noble part may the wife fill here! Let us imagine a statesman, such as I would have him—ambitious, but ambitious from consciousness of his own powers; seeking, not the triumph of vanity (which is the aim of petty souls), but the triumph of ideas, because he believes them beneficent. He rises to power; he is a representative, a minister even. All his projects, as yet, are pure, but the atmosphere that surrounds him is ruinous. Scepticism hovers about him under the

.

name of experience, despotism under the mask of necessity; his pride, these examples, the handling of power, which one so rarely touches with impunity—all hurry him into an insensible substitution of his personal interests for the interests of all. Who will sustain him in this difficult path? Only a woman can do it; only one woman—his wife. With her eye fixed on that high ideal character which has so long been her dream for him, she detects the slightest stain which may disfigure it. Standing apart from his action, and consequently a calmer judge, she does not drift about on those imperceptible changes which one day after another brings along. Two points alone occupy her—the point of departure, and the point of arrival. Should her husband be on the point of doing something wrong, quickly does she utter her cry of alarm. No sophisms can deceive her, for, thank God! woman does not argue, she feels. Though he pile reason upon reason to prove the justice of his course, though he prove it even, she does not understand him; her heart cries that he is wrong, she hears only that cry; and sustained even by her faults—her want of reflection, and her propensity to extravagance—she saves him in the beginning from error, which might perhaps have been his ruin.

Raised to this, their proper eminence, the duties of the wife and mother become of the noblest employments of life, and the public mind should proclaim them sovereign. Still another title invests woman with substantial royalty—it is that of Lady of the mansion, or rather let us call it mistress of the house. On the mistress of the house depend the prosperity of the home, the health of the children, the well-being of the husband. She is busy with the beautiful as well as with the good, for the arrangement of her abode is like a work of art, which she creates, and renews every day. The “good-wife” should have all womanly qualities—order, shrewdness, goodness, vigilance, gentleness. She repairs broken fortunes, she knows how to transform competence into wealth, and poverty into competence; in short, she rules to

save, and her empire is more real than that of minister or king. Can a king, however wise, shield what is called his kingdom from the inclemency of the sky, so that rain, and hail, and war, shall not ravage his roads and his crops? Has a king power over the soul? Can he compel his subjects to speak, or to be silent? Persons and things alike escape him.

The queen of the household, on the contrary, holds in her hand, as it were, all the individuals and all the objects that compose her little empire. She banishes from her house coarse words and angry deeds. She improves her servants as well as her children, and not one suffers but she comes to his relief. Her care keeps the furniture always in its place, the linen always white. Her spirit fills the dwelling and fashions it to her will, and there is nothing wanting in her domestic government—not even ideal charms. Which of us, passing some evening through a village, among the laborers' cottages, and catching through a window glimpses of the bright fire, the table spread with a coarse but spotless cloth, the steaming soup, has not thought, with a sort of emotion which I may call poetic, of the poor laborer, who after a "long, long weary day" of toil in earth or plaster, perhaps shivering in the rain, is about to return to this neat little room, to rest his weary eyes and heart. Perhaps he does not attempt to explain his feeling of content—but he feels it.

Does not even the man of thought, after long and unpalatable meditations, find a degree of ideal repose in the sight of the household occupations? The dairy, where the butter is rounded into bright balls, sprinkled with drops of dew; the great tub, where the linen is steaming; the preserving-pan, where the fruit is simmering, mixed with sugar: are so many objects to calm him, to fill him even with a sense of serene emotion, like all that pertains to nature and to the family—like the sight of a cow browsing, or a field where they are gathering the harvest. The ancients felt, and admirably expressed, this domestic poetry. The *Odyssey* never charms us more than when it portrays to us, in *Nausicaa* and

Penelope, the princess united with the mistress of the house; and Xenophon wrote nothing more exquisite than his description of the joys of the young mother of a family. Besides, this title of mother of a family, which signifies at once wife, mother, mistress of the house, has so real an authority, that one finds it crowned with an aureole of respect and love, even at the bottom of those hearts that have seemingly quite forgotten its sanctity.

At Saint Lazare this title has a kind of prestige for the poor, lost creatures of the prison.* The most consoling words, the most untiring cares, of the persons surrounding them, inspire only gratitude tinged with suspicion. But if a mother of a family condescend to come among them, if she offer them advice and aid, they are at once abashed and respectful. The hand of Christ touching the leper's sores could not have seemed more divinely compassionate to that forlorn wretch, than does the protecting hand of the mother of a family to these abandoned women. As jealous as herself of her dignity, feeling as proudly as she the distance which separates them, they do not ask to be on terms with her, they would not pardon her for treating them as equals. Their reliable historian relates that a working-woman, the mother of two children, having been committed to the prison of Lazare, and beginning a familiar conversation with some of the women, they repelled her with anger; and one of them cried, "She speaks to us as though we were decent women—she, the mother of a family! It is abominable!"

Such the triple sovereignty of woman in the conjugal relation. But the family, in a civilized state, is not limited to the group formed by parents and young children. If the death of the father or mother dissolve it, the State immediately creates for the orphans a fictitious and protecting pater-nity, which is exercised by the guardian, and the family council.

* This fact is positively stated by Duchâtelet, and I have heard it confirmed by lips most worthy of belief.

Women are excluded from this, while they ought to occupy the first place in it.

The men appointed to the family council usually think only how not to do their duty. The slightest pretext will serve them as an excuse for absence, and the presiding officer is forced to supply their places with indifferent persons, or strangers. Even when they are present, they bring to the meeting, in the majority of cases, neither a true spirit of investigation, nor preparatory study; they hardly listen to what is said, and blindly sign what is shown to them: the guardian remains master, and the ward an orphan.

Now what is this guardian? Often an honest administrator, seldom a father. What is lacking in this institution is precisely that which originally called it into existence, and which alone can make it effectual—love and tenderness. Carried away by and absorbed in their external affairs, men have neither the leisure nor the warmth of heart essential to these adopted paternities. Even the best, those whose conscience prompts them to fulfil these functions as a duty, display merely the valuable qualities of a man of business; they watch over the property of the minor, they defend his interests, perhaps provide for the cultivation of his mind; but his soul, his moral being, is the object of no real concern. He is only defended, he is not loved.

But call women, equally with men, to these places, and at once all this is changed. In the hands of sisters and female friends the guardianship becomes maternal, without ceasing to be an administration: the family council becomes energetic under their influence. Instructed in the management of private business as a result of their own affranchisement; rendered more active and more enlightened by their intercourse with men, whom their rivalry will render more exact; uniting their hearty vigilance, their talent for detail, their knowledge of children, and their anxiety for their moral improvement, with the colder and more positive masculine reason, they will indeed convert the guardianship and the family council into

a family. Thus the office will be elevated by women, and women by the office.

CHAPTER IV.

WOMAN IN PROFESSIONAL CAREERS.

ONE important question detains us at the threshold of this subject.

In America, in several of the States of the Union, husbands do not allow their wives to go to market, to purchase the family provisions; dealers are engaged to supply their marketing. This singular fact conducts us to a new point of view. There is evidently, in this usurpation, neither contempt nor jealousy; it is only an affectionate care. So the system of interdiction which excludes women from professional careers may proceed from a sentiment which is neither despotism nor ambition. Let us devote a few moments to an examination of this sentiment.

Every individual in whose mind the image of woman is idealized, especially the poet, would rescue her from contact with material life. Loving, maidenly, angelic, young and beautiful—all these different terms are combined to represent a being who scarcely touches the earth with the tips of her wings; her feet do not walk, her hands do not work; and this inaction, which has been made a law for her, is a free homage to the delicacy of her heart, and a pious care for the weakness of her body. It is only savage tribes, or the lowest of our peasants, who condemn women to till the soil. Among civilized people the very title of Wife, although so gravely simple, represents, in its highest signification, a creature sheltered from all the chances of the rude world, and sacredly hidden in the shade of the domestic hearth. Now in demand-

ing for woman professional pursuits, what do we do but tear the wings from our angel, and turn her into the dirty streets of a town—but compel the maiden to descend from her pedestal, and expose her to every coarse gazer—but impose upon the woman the fatigues of life, involve her in the rude conflicts of reality, and thus take away, from one her grace, from another her purity, from all that ideal charm of modesty which God seems to have made the distinctive characteristic as well as ornament of women?

For example, does not the presence of women at counters of every kind involve them in a thousand perils? Between people who sell and people who buy, the person itself is liable to become an object of trade or rather the trade; is often but a pretext. If a young girl stands in a store, it is to be seen; if a young man goes there, it is to see her. Tradesmen sometimes, taking advantage of this mutual curiosity, very extravagantly puff some young and beautiful woman whom they have set at their counters, as upon a stage, whom they dress in costume, and whose face serves for an advertisement and an attraction. In such a life, what becomes of honor, delicacy, and all the feminine qualities?

These objections, serious and substantial as they are, fall before a single sentence: Woman lives in the world. Opulence may sometimes permit her a poetic idleness, and youth and beauty make it graceful in her; but wealth, and beauty, and youth belong only to a few fortunates, or for a few short years; and three-fourths of woman's life invokes as a blessing the sovereign law of labor, or submits to it as a necessity. In the first place her very position as mother of a family often makes some branch of business indispensable to her. She must work to support the children and assist her husband. Then the wish to be married often impels her to choose a career. She must earn a dowry, in order to become a wife and mother. Finally there is the necessity of living and thinking, for all those who will never be wives, and for those who are so no longer.

This double necessity decides the question, and shows clearly that women have rights in the industrial and liberal professions. Now what are these rights?

To have access to them, like men, according to their ability. To be paid in them, as men are, according to their labor. Well, let us compare their lot with that of the men, and leave the decision to justice.

First, the working classes present themselves—the wives and daughters of the people.

Three extensive branches of manufacture comprise all the labor specially performed by women: the silk, cotton, and woollen manufactures.

The first has but two dangerous operations: the threshing and the dressing of the cloths.* The threshing raises in the air a thick cloud of irritating dust, and brings on that terrible malady of the lungs which the expressive language of workshops has named “cotton consumption.” Almost all the threshers are women. The dressing of the cloths requires so high a temperature that no operative can endure it who is more than twenty-five years of age, or thirty at most. The dressers are nearly all women.†

In the woollen manufacture there is no real danger, except in carding. The carders are women.

In the silk manufacture there are two murderous processes: the unwinding of the cocoons, and the carding of the floss. Women alone unwind and card. Those who unwind, seated all day long, in the hottest season, close by a basin of boiling water, obliged every moment to put their hands into it to take out the cocoons, breathing the infecting exhalations from all the decayed chrysalides, are taken with putrid fever, and vomiting of blood. The carders, young girls from Cévennes, come from their mountains, fresh, vigorous, in full health and

* *Tableau de l'état physique et moral des Ouvriers*, by M. Villermé, of the Institute, vol. i., p. 12; vol. ii., p. 208.

† *Tableau de l'état physique et moral des Ouvriers*, vol. ii., p. 217.

strength, and in a few months fall ill with tubercular consumption.* Out of eight sick, there were six consumptives.

But all is not yet told. Of these fatal occupations, not one pays the working woman enough to live upon. The female worker in cotton earns from sixteen to eighteen sous a day; in wool, from twenty to twenty-five sous; in silk, from fifteen to twenty sous. Certainly the lot of the workman is a cruel one: he often expends in a few months years of health and strength, but at least he has enough to eat. The male operative in silk earns two or three francs a day—the female, eighteen sous. Yet if even this paltry pay was only secured to her; but the working year does not afford more than three hundred days; so here is one-fifth to be deducted from the eighteen sous. If even those three hundred days only paid their full sum; but the factories are subject to narrow reforms and small economies; now, upon whom do these fall? Always upon the least remunerated operatives, the women. Thus their miserable stipend is dwindled in every way.

And yet, we have taken into account neither the diseases so common among these delicate creatures, nor the birth of children, nor the fatigues of nursing. We have not descended into the heart-breaking griefs of lonely industry. Everywhere the earnings of a woman of this class are less than sufficient to feed her, and everywhere they are diminishing every day. Economists of all parties acknowledge this truly terrible fact: that a single woman, who buys neither furniture nor clothing, cannot live in a city on less than two hundred and forty-eight francs a year. Now, in early youth, her wages amount generally to one hundred and seventy-two francs, in mature age to two hundred and fifty francs, in her decline to one hundred and twenty-six.† Nor is this all. For the man, misery signifies hunger, for the woman hunger and shame.

* Villermé, vol. ii., p. 232. *Topographie de la Ville de Nîmes*, and Report of M. Chabanon, surgeon-in-chief of the hospital of Uzès.

† *Du paupérisme de la Ville de Paris*, by M. Vée. *Etudes sur l'Administration de la Ville de Paris*, by M. Say. Villermé, Tarbé, *Salaires et Travail*.

Distracted by want, exasperated by despair, she casts her eyes upon that body which cannot support her by labor, and recollects that she is beautiful, or if not beautiful—a woman. Nothing but her sex is left to her; and she makes that her means of livelihood. At Rheims, at Lisle, at Sedan many a workwoman, when her unprofitable work is over, begins what she calls (I ought not to soften the force of the terrible expression) her “fifth quarter” of the day.*

Parent-Duchâtelet affirms that out of three thousand lost creatures only thirty-five were in a condition to maintain themselves, and that fourteen hundred had been hurled headlong into this horrible life by misery! One of them, when she resolved upon it, had not eaten anything for three days!

Such facts, such figures speak very loud. France cannot behold without profound disturbance so shocking an inequality between the workwoman and the workman, for this inequality is nothing less than the ruin of the public health, of the public morals, of the race even. We are not ignorant that the remedies for such evils are difficult and often fatal; and we shall certainly beware of seeking them in the insensate dreams of this or that sect; but the moralist has no right to turn his eyes away from a moral evil because *he* does not see the remedy for it. His imperative duty is to repeat, again and again, Here is the evil!—even until the conscience of the community, the only judge in such grave questions, is moved by the great wrong, and seeks earnestly, if not to remove it, at least to mitigate it, and leaves to vice and to suffering only that fatal part of which it is impossible to relieve them.

In the name of justice and humanity, too, we protest against masculine competition in employments purely feminine. There are certain professions from which nature, as well as law, for ever excludes women. Why does not law as well as nature also establish corresponding interdicts against men? Those who can neither be soldiers, blacksmiths, carpenters, laborers, nor shipbuilders, should not be subject to invasion in the few

* Villermé, vol. i. *Statistique de la Ville de Reims*.

employments which are left to them. What are all those fine young men doing in the silk and dry-goods stores—exerting their sturdy arms in the measuring of cloths and the retailing of ribbons? Back, gentlemen, back! you are not only not in your own place, but you are in the place of others! This is a position which French women have really conquered, and it is theirs; neither the Italians, Germans, nor English have attained so honorable and useful a rank in trade; the French women alone, artistic and energetic, have disputed this domain, inch by inch, and in order to be sure of having a part in it they have created one for themselves. It is to their inventive genius that the national commerce is indebted for the most elegant of its ornaments. If our manufacturers of ornaments and costumes have pupils everywhere, and nowhere rivals, to whom is it owing? To the women. The rivalry of other nations may produce work to compete with ours, and manufactures which have the advantage of ours; they may rob us of our mechanical inventions, and transplant to their own soil our natural productions; but there is one thing they can never take from us, one thing which thrives only in France—and that is taste. America, Germany, Spain, England, all must come to Paris and render homage to this sovereign. A prince is not born in Brazil, a rich heiress is not married in the United States, but France must furnish the birth or wedding presents, the nuptial garments and the baby linen; the entire world pays a tribute which our women impose. Paris contains a thousand women—obscure or celebrated, rich or poor—who, endowed with this intangible and bewitching gift, metamorphose with their fairy fingers gold and silk into flowers, and conjure every year several hundred millions into our cities. Many a one, this day an acknowledged arbiter of fashion, and really an artist in grace and invention, began her career in a stall or a garret. Many a one has earned, mite by mite, her dowry, her maiden outfit, even her nuptial veil. Obligated, perhaps, at the age of sixteen, to leave her father and mother, forced to expose herself out of doors in the course of her

work, many a one, indeed, has maintained herself pure in the midst of so many temptations, and offered to the man of her choice a heart that she has defended and a fortune that she has made. Such the model for the daughters of the people—for the little citizens.

If from the tradeswomen we turn to the poor daughters of prominent citizens or noblemen, we find the prejudice in a different form, but even more overwhelming. Without dowry, or the means of earning it, disabled by their habits from working with their hands, and excluded from the liberal professions by the law, they are delivered over, miserable victims, to that ruthless and unconquerable scourge, which is called Ennui. To suffer, to be bruised and exhausted with fatigue, are veritable grievances no doubt; but they do not madden, for they are accepted conditions of existence. But Ennui! that death-in-life, that conscious nothingness, that vacant curse, which plagues and depraves the soul! And yet the provinces abound in poor young girls whom a forced idleness drives into its clutches. If they have parents their young life is gnawed by that pertinacious needle, which passes backward and forward, for ever and ever, through that same everlasting linen—always flat, always white, like their own destiny. From the window, where they sew and embroider, they see the “daughters of the people” running to their work from the early morning—living, stirring creatures; whilst they, useless alike to themselves and others, frozen to their chairs by what is call their “position,” must be held down by constraint and celibacy, without a chance of extrication. They must live alone and in despair, till their time comes to die desperate and alone.

If they are orphans, then must they drag their heavy days from entertainment to entertainment, from hospitality to hospitality, which is from degradation to degradation. Sometimes a young relative of their own age, touched by their forlornness, throws open her doors to them, and hopes the orphans will call her “sister.” But such amiable ties only

conceal certain impossibilities, which must presently lead to misunderstandings. She lends a home for a day, but she does not share it. Friendship is for noble sacrifices, for impulsive transports; chronic favors are mortal to it. There is, moreover, in the position of one who receives everything, and gives nothing in return, who accepts and shares, without earning, the means of another, a certain want of dignity which, sooner or later, will forcibly strike the benefactor; and presently, the young girl, banished from the house which she had so lately been invited to regard as her own, will have no better resource than to go hide herself in the pitiful condition of a "lady's companion"—that is, in parlor slavery. Certainly, the position of a teacher, such as the insane pride of parents too often makes it, is not without its bitterness; but at least the rights of the governess are as real as her duties are serious. She is mistress in the school-room, and her office has in itself a virtue and a value which elevate it in her own eyes. But what is the duty of a "lady's companion?" To amuse. And to what is she a companion? To silliness and tediousness, and sometimes wickedness. Nevertheless, by a characteristic contradiction, which shows how deeply contempt for work, and the necessity of earning their bread, has entered into the moral nature of women, a young woman of the class alluded to prefers the lower place of a companion to the occupations of a governess; for it seduces her even by the idleness it permits—in doing nothing she fancies she is degrading herself less.

Oh! for work, work, to revive such hearts, and occupy and purify their lives. God has filled this earth with harsh trials, but in creating labor He created the all-sufficient compensation; for it dries the bitterest tears. An earnest comforter, it ever promises less than it bestows. A peerless pleasure, it is yet the zest of all other pleasures. Though all the rest desert you—cheerfulness, vivacity, love—work is always there, and the profound enjoyments it procures for you have all the intoxications of passion, with all the contentments of a

tranquil conscience. Nor is this all; for to these privileges of labor we may add yet another and a dearer boon—and that is, it is like the sun, for God made it for the whole world. And yet you deprive women of it. You accuse their imaginations, and yet leave them mere stuff for dreams. You shudder at their susceptibility, and yet exalt their sensitiveness. Oh! dispute their right of inheritance, covet even their maternal privileges; but in the name of the God who created them, leave them work! Rich or poor, noble or lowly, all plead for it, as for life itself. When once their season of passions and pleasures is over, what remains to woman? Nothing—nothing but to fight impotently against wrinkles. You must give the soul food, or it will feed upon itself. What we call instruction can be of no use to her; study without an object, knowledge without the application of it, enlarges the schedule of a woman's necessities, without conducting her to satisfactions; you make her thirsty and refuse her drink—for living is not learning, but applying. Why then is she not admitted, at least partially, to the great variety of administrative and official functions. Why is not the inspection of women's prisons, and factories in which women are employed, intrusted to women?*

If these situations had been theirs twenty years ago, the day's work of a child would have been reduced twenty years ago to a humane limit, and France would no longer be disgraced by the scandalous spectacle of working men and women, not only working together, but sleeping together—huddled pell-mell in a common dormitory, like so many gipsies.

Why should not certain specialities of the medical art be accessible to women? To be sure, operative surgery, a positive and practical science, requires a boldness of execution, a firmness of hand, and a power of self-command, which naturally repel women; but Medicine invites them by all that is

* Three departments—those of posts, stamps, and tobacco—have approved this idea. The reports of the inspectors show that the best-managed offices are those over which women preside.

conjectural and variable in it. As a theoretical science, it depends on observation; and who will deny to women the superiority in this respect? As a practical science, it seeks to know the individual; and it is woman who most clearly discerns personal peculiarities and characteristics. A famous physician has said, "There are no diseases—there are only patients;" and this maxim awards to woman her medical diploma. If, in fact—and daily experience proves it—the same malady assumes two different forms with two different patients—if the treatment which cures one may kill the other—if one of the qualifications of a physician should be acquaintance with the constitution of his patient, his character, his age—then women, with their marvellous appreciation of the *individual*, would bring to the treatment of diseases a penetration, an insight, and an art of dealing with the mind, at which we can never arrive. The nervous maladies especially, those elusive scourges which civilization multiplies every day, would find in woman the only leech to catch and conquer them. Women would cure them, because they know them. The art of healing is often but the experience of suffering.

Finally, Medicine, unlike Surgery, would draw from the sensibilities of the heart a thousand unexpected resources; for the heart sharpens the glance, arouses the faculty of invention, imagines sovereign remedies, and makes a cure even of a word. Too often, as we well know, the art of the physician is confined to consoling or deceiving; then call a woman to the bedside of the sufferer, if only to represent hope there.

To so many blessings what arguments of objection do you oppose? That women cannot rise to the heights of medical science? In what respect does this science—all observation, as we have said—excel the powers of the feminine mind? That their anatomical studies would impair their health? All the manual occupations to which you admit women are ruder and more destructive. That continued familiarity with physical infirmities is repugnant to their delicacy? Of what sex

are the sisters of charity, and when are they ever lacking in authority over the sick? It is the weakness of the patient which constitutes the power of the physician; and therefore, whether it be a masculine or a feminine hand that feels the pulse, the patient will always tremble as before a judge. And finally, would you contend that modesty would be shocked to see women thus brought in contact with all the disagreeable details of disease? Why, modesty itself demands that you call in women to be the physicians of women; for it is an abiding outrage that their ignorance should forcibly expose to the eyes of men all the mysteries of their sisters' pains.

Finally, two conditions are yet legitimately open to women: the paths of literature and teaching. In the first a true progress has been realized, and the relic of ridicule that still attaches to the title of a female author will fall before the merit of those who bear it now, or are yet to bear it. But, to overcome whatever justice there may be in this prejudice, women should confine the exercise of their talents within strict limits, and especially should they take possession of the places that men have left unoccupied. There is a whole series of works destined to form the foundation of the public conscience, works of morality and education, which can receive only from the hand of woman that persuasive and touching shape in which they must pass into morals. The Fenelons are absent from our literature, because women are excluded from it. Who shall disclose the lovely mysteries of childhood, and celebrate the charms of domestic life, in precepts, hymns, and stories? who shall describe all the duties, all the difficulties, all the joys, of maternal education, if not the wife and the mother? Theirs is it to be the poets and the moralists of the fireside, as they are already its good angels. The admirable work of Madame Necker de Saussure, earnest as the word of an honest man, and charming as the discourse of a virtuous woman, realizes all these hopes.* Women should

* Nor let us overlook the delightful book of Madame de Rémusat on Education, the writings of Madame Guizot, everything that came from the

always have that pattern before their eyes, for the practice of literature threatens them with a danger more serious than ridicule, and an evil more pernicious than pedantry. The artist, in the noblest signification of the term, has for a long time figured before the world as an enthusiastic, disinterested, careless prodigal—sometimes a child, but a sublime child. A strict investigation, however, cruelly dissipates this illusion. By as much as the artist is great when he creates, by so much is he miserable when he does no more than live. Two corrupting passions beset him, and will invade him, if he does not hold out against them with desperate energy—avarice and vanity. Formerly the artist was venal because he was famished; now-a-days he is too often so because he is greedy; and as to his vanity, it devours, one by one, his disinterested impulses, and the purest feelings of his heart. A famous English poet saw a young disciple of his overwhelmed with grief. “What is the matter?” he inquired. “I have just lost my mother.” “Then take advantage of the moment when your grief is at its height, to paint it; go make some verses on your mother!” This is dreadful, but truthful too. Would you sound the lowest depths of the artist’s nature? let down your plummet into his old age. Having then no longer the lustre of talent, or the prestige of renown, to make an aureole about his head, you are not dazzled—you see into his naked heart, and what you find there is only food for pity. Always leaning with attentive ear towards the world which is leaving him, and listening with the hope of catching a last echo of his name; counting, bitterly, the triumphs that are not his; now overwhelmed by a sense of his incapacity, now puffed with ridiculous pride for abortive productions which in other days he would have blushed for; led on by vanity to envy, and by envy to hatred; eternally accusing the world of ingratitude, he who never worked but for himself—he pens of Madame Belloc and Mademoiselle Montgolfier; nor must we forget the woman who best knew how to be at the same time a poetess and the mother of a family—Madame Tastu.

struggles against despair in the midst of the silence and the darkness that grow thicker and thicker every day. In vain do the tenderest ties of the heart—a wife, a child—offer to his loneliness the refuge of home feelings. He has sacrificed his affections on the altar of thought, and now God punishes him by rendering him incapable of love. Even the study of his art—the books, the masterpieces, he has flung around him—afford him no consolation, no enthusiasm; for what he loved in letters was neither the writings themselves, nor the means of usefulness, but merely the instruments his vanity found in them; for the artist usually admires but little except his own works.

This picture, which is no satire, may well inspire us with fears for female writers. Once on that fatal road, can they defend themselves against the enticements which the strongest and the best-warned but half resist? Will not they whose imagination is so easily intoxicated, and whose superiority is yet in the excellence of their hearts, lose in the chase of that ignis-fatuus of glory the best gifts of their nature? The peril is pressing, and there is but one way to escape: Never regard art as life itself, but as an accident and an ornament of life. Speak only when you have something to say; be silent when you have said it. Sacrifice everything, even fame, to your obligations as daughters, wives, mothers. Remind yourselves constantly that the heart is higher than the thought, devotion than success; that to know is nothing, to shine is nothing; and that the whole life of woman is comprehended in one word—Love.

Thus, and thus only, can women be “literary” without ceasing to be women; and the world shall have no cause to reproach them with an occupation which enlarges their public domain of thought without narrowing the circle of their private duties.

And now Instruction remains—the profession which belongs to women by right of vocation and of conquest—a fact so agreeable and appropriate that it should occupy us for a while.

Our grandmothers could not read; ignorance was a distinction to high-born women, and a necessity to poor ones. Nevertheless, a young girl in Italy, and a young widow in France, formed almost simultaneously the project of educating girls, and teachers for girls.* This was nothing less than a revolution; and strange to say, those who set it going knew that it was. "We must," they said, "reform this corrupt world through its young people and its little ones; for they will reform families, families will reform states, and states will reform the world." New as to its aim, this institution was also new as to its rules. There was no excess of strictness—no whole days consecrated to prayer and ecstasies. One of its patrons was Martha, "La Travailleuse."† Mademoiselle de Sainte-Beuve, first founder of the Ursulines of France, bought, in the Faubourg Saint-Jacques, a house, in which she installed a few sisters, with two hundred day-scholars.‡ Then she herself lodged in an apartment adjoining her dear convent, with a door that led into it, a parlor communicating with the garden, and a window from which she could follow with anxious eyes all the young offspring, as she called them, not of her body, but of her heart. If any noble visitor called on her (for she had shone in court in her youth), her chief delight was to lead them to that window, and show them her darlings at work. The choice of teachers was regulated neither by rank nor influence; even from a number of equal merit Mademoiselle Sainte-Beuve preferred those who were without lineage or possessions. Her disposition corresponded with her deeds; she was cheerful, and made no effort to conceal it—she loved life, and was not ashamed to own it. Only the wretched and the desperate, she said, can turn with horror from the boons of God. When she died, her nuns, with a touching appropriateness which might have emanated from her (for our sorrows often partake of the qualities of those we mourn), continued, for a whole year, to

* *Chronique des Ursulines*, vol. i. ch. 1.

† *Ibid.*

‡ *Life of Mademoiselle de Sainte-Beuve.*

set her plate in the refectory, and serve the place she used to occupy with her favorite viands, to distribute them immediately afterwards to the poor. Finally, when her portrait was painted, her girls desired that she should be represented standing at a window, with her eyes fixed on a garden full of bee-hives, and underneath the inscription, "The Mother of the Bees," which told her whole story—"mother of the bees," of the female workers. Does it not seem that the contrast afforded by a life so rational and tranquil to the violent and painful vocation of Saint Theresa manifests a beneficent regeneration, and that this existence is impressed, in its mildness, with the serenity of the new god enthroned among women—Work? Very soon, in fact—just as with all institutions on which the future reposes—the Ursuline foundation acquired an immense development, the bee-hive swarmed. Mademoiselle de Sainte-Beuve had laid the foundation of the first house about 1594; in 1668 France already boasted 310, all springing up with their thousand interesting details of irresistible vocation, of cruel struggles and triumphs.

At Clermont, three poor servant girls, whom apparently the cares of poverty should have wholly occupied,* felt themselves possessed of a longing to educate young girls. There was but one obstacle in their way—they could neither read nor write. But that did not deter them; they learned their rudiments from two little scholars, twelve years old; and eighteen months afterwards their united savings paid the cost of the first Ursuline foundation at Clermont.

At Dijon the founder was the daughter of a Counsellor in Parliament, Mademoiselle Francoise de Saintonge; and the account of her troubles would almost fill a book. First of all, her father will not give his consent until he has assured himself, by a consultation of four doctors, that teaching women is not the devil's work.† Then, soon afterwards, alarmed at seeing the whole town rise against her, and the children pur-

* *Chronicle of the Ursulines*, vol. i. Foundation of Clermont.

† *Ibid.* Foundation of Dijon.

suing her in the streets with cries and stones, he withdraws his consent. But Françoise, with fifty pounds, all she had in the world, hires a house and retires to it on Christmas day at midnight, with five young girls who had joined her. When they are all there she says to them, "Here we will found the first house of the Ursulines at Dijon; only, as it has taken all I had to pay for this place for a year, we must pass the night in prayer, for we have no bed."

Indeed there was neither bed, nor fire, nor bread; so they remained till the next night, fasting and freezing—but founding. In the evening M. de Saintonge, touched with compassion, sent them the leavings of his table—so their first repast was a beggar's meal.

Well, twelve years afterwards, the town of Dijon resounded with cries of festivity and joy; the bells were ringing, the streets were strewn with flowers. From a house of mean appearance issued a procession—a hundred young girls in white garments, with wax tapers in their hands. Before them walked, like an angelic guide, a virgin of their own age, magnificently attired, and wearing on her shoulders a mantle all studded with diamonds and pearls. Finally, at the head of the train were the Counsellors of Parliament in their official costumes, with ushers preceding them, to clear the way.

What then is this little house? And whither tends the procession? Why that maiden so sumptuously attired? and wherefore that assembly of magistrates?—That humble habitation was the first asylum of Mademoiselle Françoise de Saintonge; those hundred girls are her pupils; the procession moves toward a noble establishment just purchased by the Ursulines of Dijon; and that young virgin, so gloriously clad that, according to the chronicler, her jewels were dazzling, is emblematic of the words of the gospel—"The teachers shall shine like the stars."

This is what women have done for women. Thus was female education inaugurated in France—an education of the catechism simply, I acknowledge—a teaching of litanies, it is

true ; but the principle was established, the germ was planted, and the world beheld the demonstration of two new facts—women-pupils and women-teachers. Thence the whole future of that period which is almost the present of this. And now do you ask what poor girls should do ? Let them teach. Let them be, not private teachers—which is always a sort of servitude—but professors. Already Paris can show more than three thousand professors of music, all of whom are women. Not a provincial town, however small it may be, but enumerates among its advantages one or two female musicians. Women teach English, Italian, French, even History. I know an old magistrate whose sole resource consists in what would formerly have been to him a hopeless incumbrance—three daughters, all of whom leave in the morning not to return home till evening, after ten hours' work, and the fruits of their united exertions support their aged father and amass a dowry for each of themselves.

Many a prejudice, I am well aware, continues to attach to this noble profession the idea of inferiority ; and many an honest precaution discovers in it occasions of error, and detriment to the woman's delicacy ; but prejudices and natural fears will alike disappear before the practice and the proofs of that life of work ; and women, refined by the manly enjoyment of well-earned bread, will fairly earn and deserve the right to teach. Already the Sorbonne is vanquished ; the solemn and masculine Sorbonne, which still excludes women from its courts and never dreams of opening its colleges to them, has nevertheless instituted examinations and competitions for them, and distributes among them diplomas and degrees. Every year, in the month of August, three inspectors of the university, two Catholic priests, a Protestant minister, the grand rabbi, and three lady inspectresses meet together ; and before these judges one hundred and forty or fifty young girls and widows appear, and offer to undergo the complicated and trying examinations by which alone they can acquire the right to teach the daughters of the people.

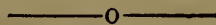
The necessity of establishing a course of instruction among women, and the necessity they themselves feel of renewing their minds, both by study and by imparting what they learn to others, are proved by a thousand graceful examples. The daughter of one of our greatest modern poets passed the examination of the Sorbonne simply for the honor of passing. The daughter of one of the first functionaries of Paris, a woman of high rank and elevated mind, has sat incognita on the benches of the *Ecole d'enseignement*. Every morning, at five o'clock in the winter, she went on foot, however cold it might be, to the hall in which the lectures were delivered, and there, in the crowd of poor women who seek in learning a means of livelihood, she strove to acquire the trade of a professor. And why? To have the right not only to establish, but personally to direct, a parish school in the village adjoining her chateau; moreover, as she would owe nothing to favor, she withheld her name, which would have made everything of easy access to her, and submitted to all the consequences of her seeming poverty, in order to assume, and still more to deserve, the functions of a public instructress.

Paris numbers nearly eighty free-schools, that are superintended by four inspectresses, who employ two hundred schoolmistresses, and bring up fifteen thousand poor young girls every year. Teachers and scholars compete ardently with one another; the primary schools for girls, says one of these inspectors, are one-third more thorough in their course of teaching than those for boys.

With the children are associated, as pupils, women from forty to fifty years old, who believe that it is never too late to learn, and prove it by succeeding.

I beheld in one of the night-schools in the Faubourg Saint-Martin, a tableau to inspire Greuze: a little twelve-year-old girl seated between two women, one of whom was far past her youth, the other already old and with white locks; the child was teaching both to read—and the two women were her mother and her grandmother!

Courage, then ! take comfort all of you, men or women, who have mourned over the long subjection of women ! The work of progress is begun and will go on steadily. Primary schools necessitate professional schools ; these prepare the way for athenæums ; athenæums will call for normal schools ; normal schools will demand a female university : and thus we behold in the perspective millions of young girls educated throughout France by thousands of women, who will find in this education, the first a preparation for their duties as mothers, the others a field of labor—the one class a high position in those professions which admit women, the other a title to new functions—all of them enlightenment, which is emancipation, and work, which is life !



CHAPTER V.

WOMAN IN THE STATE.

THE positions to be held in the State are of two sorts, social or political : a division which we shall maintain in this chapter.

Convents have always been regarded as prisons for women, and no institutions have been accused of more unhappiness and legitimate cries of revolt ; nevertheless women have never been free except within their walls, for only there have they been free to show what they are capable of. A woman, though powerful by her goodness and her intellect, was crushed out in the jail of marriage, whether German or Feudal ; in cloisters, on the contrary, she lived, she acted ; if a superior or a *chef d'ordre*, she governed.

Whoever would rightly estimate women should read the histories of the great religious institutions. To manage property, to direct souls, to establish rules, to accomplish journeys, to carry on lawsuits, to draw up wills—in fine, whatever consti-

tutes the mechanism of the social, if not political, functions—became for them a necessity; and out of this necessity they created a long succession of virtues.

The Abbey of Fontevrault affords (if we may so express it) a roll of eminent *men* in its succession of lady-abbesses; the monks in this convent, as is well known, maintained toward the nuns relations of submission, deference, and even obedience.*

The Abbess had the title of General of the Order.

She managed, absolutely, the wealth of the convent.

She alone could receive an adept in religion.

She decreed all ecclesiastical or civil penalties.

She selected the confessors for the different houses of the Order.

The prioresses ruled over the priors, and the nuns over the monks, as the abbess over the abbot.

In all the monasteries of the Order, as in all their functions, female supremacy was acknowledged. The monks tilled the soil, but did not reap its fruits; it was the nuns who, as an act of kindness, doled their food to them as alms. Not even the fragments of this food belonged to them, but had to be returned to the nuns, who distributed them to the poor.

Was this investiture of women with administrative authority fatal to the prosperity of the institution? On the contrary, no community was richer or more influential. It did not lack enemies, however: for six hundred years, and under thirty-two abbesses, every one of these privileges was attacked by masculine pride or violence, and every one maintained by the vigor of the women.†

The first abbess, Pétronille, becoming involved in a dispute with the powerful bishop of Angers, summoned him before the council of Châteauroux and Poitiers, where she pleaded the cause of her order, and won the case.

In 1349, the abbess Théophégnie denied the right of the

* Life of Robert d'Arbrissel.

† Sketches of Fontevrault.—*History of the Ladies-Superior.*

seneschal of Poitou to judge the monks of Fontevrault, and gained it for herself. And in 1500 Mary of Brittany, in concert with the pope's deputies, drew up, with an unfaltering hand, the new statutes of the order.

I have cited the convent of Fontevrault, and I could cite two hundred others—for this is not a question of isolated examples, nor of remarkable women, but of thousands in every period of the modern world, in all the religious orders wherein women have displayed the true organizing quality.

We might speak of St. Theresa, that poor barefoot Carmelite, as she called herself, laden with grants, and full of good wishes, but destitute of means to execute them; and yet she succeeded, alone, in founding twenty monasteries in Spain.*

We might name Héloïse, who in the government of Paraclet displayed a talent as directress so full of tact and intelligence. We might allude to the company of the Daughters of Charity, who at one time went in bands of ten, twenty, thirty, to the battle-fields, to nurse the wounded, as in the wars of 1650 and 1658; at another, departed for foreign countries to do battle with national scourges, as in the great plague that depopulated Varsovia in 1652. One of these girls performed a sublime act there: dying herself, and unable to reach the dying, she caused them to be brought to her bedside to have their sores dressed, and expired in the very act of bleeding one.†

Finally, the history of Port-Royal affords us, in those women who were free as to their actions, every example of firmness and spirited character. What a spectacle was that when forty-seven nuns were taken captive, and deprived of the communion, and who, rather than sign an act in violation of their conscience, contended against a hostile Lady-Superior who had been placed over them, against a deputy-superior

* *Life of St. Theresa*: Founding of the Monasteries of Valladolid, Burgos, &c.

† *Life of Louise de Marillac*, Widow of M. Legras, Founder of the Company of Daughters of Charity.

who was also a spy, and against the archbishop—but always with a dignity and tranquillity that forced from the bishop of Paris the avowal which bears witness to their majesty, even more than his rage: “You are pure as angels, and learned as theologians, but proud as Lucifer!”

To subdue them, the archbishop repaired to the convent, with eighty armed archers. The nuns trembled with joy, and hoped for martyrdom. They were dragged apart—some carried away captive, some left and overwhelmed with indignities; but nothing could shake their youthful courage. They took notes and pleaded their own cause, both by their pens and their daily actions; and after eight years of struggle without the help of a single man, these heroines of conscience were pronounced victorious in the establishment of their spiritual as well as temporal authority.*

So many proofs of firmness, of administrative talent, of the sentiment of duty, of business tact, of active charity and practical good sense, so much merit of every kind exhibited during several centuries, by woman, in the only social career open to her, dismisses, it seems to me, one half of the axiom which we laid down in this chapter. Women ought to take part in social functions, in the name of social interests. But what this part should be, in what proportion the share should be allotted to her, at what time, whether in all departments, or in equal proportions—as to these particulars there is a radical change in the aspect of the matter in question.

First of all, we are not of those who demand, as an absolute necessity, the immediate and unrestricted application of every legitimate right. On the contrary, it is seldom that anything seems to us to require more premeditated and moderate introduction. Moreover, the idiosyncrasies of the feminine nature should be reproduced after its own peculiar fashion; to summon men and women indifferently to the same forceful functions, would be to annihilate the free female mind, only in

* See, in all works on Port-Royal, the admirable stories of Mother Agnes, Angélique, and others.

another way—to lead women back again into subjection, by condemning them to an inferior position. Women must do the work that men cannot do, or that they do badly; and there is no lack of such work.

Social economists utter but one cry: our hospitals are not inspected, our public charities are not properly dispensed. There is less need of donations to these establishments than of judicious distribution of their benefits. The State pays, but the sick are badly nursed; the rich bestow, but the poor are sadly neglected.

The reason is plain enough. Who are the directors of our hospitals? Influential politicians for whom this edileship, which should be a life-long labor, is only a small part of their occupations. Who are the inspectors? Good and intelligent men, no doubt, but utterly ignorant of what constitutes a well-made bed, a well-conducted laundry, properly prepared linen, or a savory dish: who are not women, in fine. Who is the director-in-chief of the public charities? The mayor of Paris—that is, the man whose business it is to watch over all Paris. Who administers them? Deputies, bankers, large merchants, all men for whom these duties are only so many crosses of honor.

And what is the consequence of this? Question those shameful scenes which ensued at the *Bureaux de bienfaisance* a few months ago, on the days when tickets for bread were distributed. One man was commissioned to deliver in a few hours hundreds of these tickets. From early dawn a famished crowd of ragged women and children assembled before the door. There was no roof to shelter them, the whole of that long weary day of waiting—not even straw on the pavement; the rain and snow fell on their defenceless nakedness and covered their feet. Every half hour, when the office door was opened, the noise was frightful; the men were beating the women to get in before them, garments were torn in tatters, limbs broken in the door. I saw a workman striking a grey-haired woman; a pregnant woman in a swoon from suffoca-

tion ; a child of twelve years, who had won the right to enter first by waiting six hours, was so violently dashed against the wall that she was taken out half dead.

These scandalous exhibitions are abolished, I know ; but others will arise again and again, so long as women are not placed at the head of the whole department of charity. To them naturally belongs the management of all the hospitals—now the direction of the Lying-in Hospital is confided to a man ! To them belongs the legal guardianship of foundlings, including the superintendence of their apprenticeship, and their education ; and, finally, the organization of all the offices of charity should devolve upon them. And moreover, the assumption of these offices should be to them not only an honor but a duty.

An eloquent letter addressed to the Convention during the second year of the Republic, by a young and beautiful woman who was then as obscure as she has since been illustrious, will express my meaning :

“ Citizen-representatives,” she wrote, “ in a republic everything ought to be republican, and no being endowed with reason may absent himself, or be cut off from honorable co-operation with his country, without shame. Every man pays his debt to France, either by defending his native soil from the enemy, by watching over the dwellings of his fellow-citizens, or mounting guard on the walls to keep at bay the dangers which might beset his brothers. Citizen-representatives, women demand an equal trust. All of us desire to mount guard over the unhappy, to keep at bay want and pain, and that anticipation of death which is more frightful than death itself. All young girls, before marrying, should for a year or so spend several hours daily in the hospitals, in charitable boards, in all the asylums for the poor, in order that they may learn therein to convert their fruitless and transient emotions of natural piety into an active principle—in fine, to alleviate misfortune according to the laws of a regime to be organized by you. These are their duties

and their rights; and our women are anxious to see them converted into decrees, that they may enter, with your sanction, into the service of their country's institutions.

"She who addresses you, Citizen-representatives, is young, twenty years old; she is a mother, but no longer a wife; and her sole ambition is to be summoned, first to these honorable callings."

Now who wrote this letter? The Marquise de Fontenay. And who was this Marquise de Fontenay? The woman who saved the city of Bordeaux from massacre, and rescued Paris from the Reign of Terror—Madame Tallien. Her letter seems to us not simply a beautiful impulse of goodness, but full of profound thought.

To re-attach women to France it is necessary to create, not only rights for them here, but duties as well. The sentiment of patriotism is the more lively in the heart in proportion as it is subjected to severe discipline; we love our country for what we sacrifice to her. To inspire woman with love for France we must bind her to France by the sacred tie of obligation. Now what obligation could be sweeter or more sacred than this conscription? It would be well to accompany her initiation in the service with solemn and impressive ceremonies, and to institute ranks and rewards in this army as in the other; the women should take an oath of fidelity, not to the Republic or the laws, but to God and the poor, that they may, after a season spent in this worthy work, borrow the beautiful phrase which signifies at once both duty and sacrifice—that they may say, with the soldier, "I have seen service!"

Such are a few of the social employments which demand the co-operation of women; but they are not all. The city of Paris already confides to them the inspection of all primary schools for girls, and infant schools; we might ask still more for them—the superintendence, and, to a certain degree, the management, of women's prisons; but we hasten to our last consideration—the rôle of women in the political world.

“In the name of what principle, in the name of what right,” asks Condorcet,* “do we, in a republican state, exclude women from public duties? I cannot understand it. The phrase National Representation signifies the representation of the nation. Do women, then, constitute no part of the nation? This assembly meets for the purpose of defining and maintaining the rights of the French nation. Do women constitute no part of the French nation? With men the right of electing and being elected rests solely on the condition that they shall be intelligent and free beings. Are women not free and intelligent beings? The only disqualifications for this right are a sentence of corporal or ignominious punishment, and minority. Have all the women then been in the clutches of the public prosecutor? and can they not read in our laws that ‘*Every individual of either sex, twenty-one years old, is of age?*’ If you argue the physical weakness of women, then should every representative be summoned before a medical jury, and all those rejected who have the gout every winter. If you object to women on the score of their deficient instruction, their lack of political aptitude, it seems to me that there are many representatives who might be dispensed with on the same ground. The more we interrogate common sense and republican principles, the less just cause do we find for excluding women from politics. Even the leading objection, which is in everybody’s mouth—the argument that claims that to open a political career to women is to separate them from the family—has only an apparent weight. For, in the first place, it does not apply to the world of women who have never been wives, or who are no longer such; and moreover, if it is conclusive, we must, for the same reason, prohibit women from all manufacturing or commercial employments, for these positions debar thousands of them from family duties, while political offices do not employ a hundred in all France. Finally, an illustrious woman dismisses the question with these proud words: ‘Woman has

* *Journal de la Société de 1789*, No 5, July, 1790.

the same right to ascend the tribune that she has to mount the scaffold.' ”

These arguments appear unanswerable in the name of republican justice, for to prohibit women wholly from co-operating in public affairs is plainly to violate a republican principle. Nevertheless, fact and experience intrude themselves, though we are still in a republic, upon this question of principle, and complicate it. Women entered, during the Revolution, into the political domain; they usurped it in a body, and for three years assumed many masculine prerogatives: the press, clubs, riots, and battlefields, have beheld them in the first ranks, side by side with men; whether or not in such participation they are seen to advantage may be demonstrated by a hasty reference to the past.

I have consulted the records of the times, and interrogated the picturesque journal of *la Mère Duchesne*, and I find there these expressive passages, which I quote in all their original force :

“Have you remarked,” said *la Mère Duchesne* to her god-mother, Queen Andu, “have you remarked, since women have breathed the air of liberty, how saucy it has made them? how wild and reckless they look now-a-days? *Mille-z-yeux*, how it transforms them! Cap set cavalierly on one side, curls on their temples like the twisted moustachios of *le Père Duchesne*, and a piratical swagger; and still, with all, a certain dignity, something that commands respect!

“I love to behold this in our French women; I love to see my sex contend courageously with men, who formerly thought them fit only for kitchen cares, and caged them like pretty beasts in a menagerie. *Mille-tonnerres!* they have proved that they can handle the sword as well as the distaff.

“How they harangue in the clubs! *Jour de Dieu!* how they lay down the law to you; they can't talk fast enough; they tell you everything they know. Ah! how the best of them hate this long-windedness; but they relieve guard beautifully! As for me, I don't meddle in the talk; scolding

is my forte; besides, I have practised boxing with my dear husband. At the first tap of the drum I take up arms, I muster a squadron of women, place myself at their head, and plunge into the enemy, as if it were so much butter. Women have done more than one would believe, in the Révolution.”*

After this journal, let us consult history. Five women from five different ranks of society, will sum up for us the effect of this feminine intervention in masculine positions—Marie-Antoinette on the throne; Madame Roland in office; Théroigne de Méricourt in battle; Rose Lacombe in the clubs; Olympe de Gouges in journalism. That is to say: the first a king; the second a statesman; the third a soldier; the fourth a *clubbist*; the fifth a politician.

A thousand illustrious and noble qualities illumine the character of Marie-Antoinette; she was courageous, proud, and possessed of a rich maternal heart. What was the result of so many rare gifts? Destruction to her house, the scaffold for her and hers. Called upon to die, to suffer, to console—that is to say, to be a woman—she is sublime; but if to govern—that is, to be a man—she is a baby, and royalty perishes through her weakness.

Antiquity does not present a nobler figure than Madame Roland; her sentiments are as ardent and pure as enthusiasm, and profound as conviction; her courage borders upon heroism.

What a wife! what a friend! what a mother! But, alas! what a *statesman*! She has political sensations instead of ideas, and is the ruin of her party as soon as she becomes its soul.

Olympe de Gouges† is the philosopher of this group. She would enact the part of Siéyès; only one thing is wanting—

* *Journal de la Mère Duchesne*.—Lairtullier, History of the Women of the Revolution.

† Olympe de Gouges has written more than twenty volumes on all the social questions; we will mention only *Mirabeau aux Champs Elysées*, and the *Biographies humaines et politiques*.

principles. She calls herself national, yet proposes that each party choose its own form of government. She calls herself a republican, but demands a rich civil list for the king. She proclaims Louis XVI. a traitor; and a year after, writes to the Convention for a renewal of the right to defend him.

Always a woman, in spite of her manly aspirations, she succumbs to her feelings—a victim to console, or an unfortunate to pity, and all her plans of political organization are overturned. She is merely an artist in freedom.

Théroigne de Méricourt is a soldier. She assumes the costume of a man, the arms of a man; but carries a perfume box in the pommel of her sword, *to neutralize the odor of the people.*

What a soldier!

Rose Lacombe founded and presided over the club of revolutionary women. Her eloquence was particularly directed against the nobles, whom she wished to deprive of office en masse. Chance makes her acquainted with a young nobleman of Toulouse, a prisoner at La Force. She falls in love, and her republicanism disappears; she is bitter against Robespierre, whom she calls *Monsieur*, and wishes to destroy the Commune. The Commune is incensed, and Rose hides herself; but three months afterwards, a member of the Convention meets under the peristyle of a theatre a young saleswoman, courteous, graceful, skilful, and keen, selling her laces and needles. It is Rose Lacombe! What a tribune!*

Behind these five principal figures may be seen a numerous army of female fighters, rioters, and members of clubs. Among the many clubs of women established in Paris in '90, two soon became celebrated—the Fraternal Society, connected with the Jacobins, and the Society of Revolutionary Republicans, whose founder and president was Rose Lacombe. What were these most frequently? An instrument in the hands of all party leaders, alternately a weapon or a toy. Under

* Lairtuillier, *Histoire des Femmes de la Revolution.*

the Reign of Terror if the Commune wished to sustain some unpopular measure, such as the erection of a statue to Marat, or the right of a domiciliary visit to the monopolists, they had it proposed by the Fraternal Society.* If they wished to control the debate at the Assembly, and drown the voice of Vergniaud, they called into the tribune the revolutionary republicans.

On the days of solemn execution, the seats nearest the scaffold were reserved for these furies of the guillotine, who clung to the boards to witness the dying agonies of the wretches, while they drowned their cries with shouts of laughter, mingled with sounds of revelry and dance. A poet, comparing them to the fountain statues from whose bosoms water poured into *la Place de la Bastille*, uses this terrible language :

De ces effrayantes femelles
 Les intarissables mamelles,
 Comme de publiques gamelles,
 Offrent à boire à tout passant.
 Et la liqueur qui toujours coule,
 Et dont l'abominable foule
 Avec avidité se sotle,
 Ce n'est pas de l'eau, c'est du sang.

In return for these hideous services, the Terrorists accorded certain honorable privileges to the revolutionary women : such as a right to appear in public preceded by a flag with a device ; fraternal honors in the assemblies of the Commune, or the Jacobins, with permission to be present at their sittings. But as soon as the triumph of the party became assured by the arrest of the Girondists, an energetic reaction treated with contempt these now useless instruments, while bitter sarcasm was substituted for hypocritical homage. On the 9th *Brumaire*, Amar, in the name of the committee of public safety, ascended the tribune of the Convention, and

* *Histoire des Femmes de la Revolution*, by Lairtullier. *Procès-verbaux de la Commune de Paris. Journal des Jacobins.*

asked,* “Can women exercise political rights, and take an active part in the government? Can they deliberate and unite in popular societies? The committee has decided in the negative. To exercise political rights, to unite in political societies, is to take a part in the government—in a word, it is to enlighten and to guide; but women are not capable of noble conceptions, or of serious meditations, and their imaginative temperament will ever sacrifice the interests of the State to any disorder consequent upon uncontrolled passions.”

The Convention immediately returned the following decree:—“All clubs and public societies of women, under whatever denomination, are forbidden.” Surely principles and allies were never sooner forgotten.

Some days after, there appeared in the assembly a deputation from the republican revolutionists, with a petition to revoke the decree; but scarcely was the first word uttered, when all arose and demanded “The order of the day, the order of the day!” while the petitioners quickly retired, amid the hooting and mockery of the spectators and representatives.

Twelve days later they presented themselves in the assembly of the Commune of Paris, with red caps; but their presence excited such loud murmurs, that Chaumette, rising, exclaimed, “I move the insertion in the record of to-day’s proceedings of the disapprobation just manifested—it is an homage to morals. The place where the magistrates of the people deliberate should be tabooed *to those who outrage nature.*” One of the members observed that the law permitted the women to remain. “The law,” replied Chaumette, “commands us to respect custom, and I see it treated with contempt here. How long has it been lawful to ignore one’s sex? How long has it been decent for women to leave the pious cares of their households to come to the public squares to harangue from the tribune, and at the bar of the Assembly. Brazen women, who would become men, and fight their

* *Moniteur* of the 9th Brumaire, 1793.

battles, should remember that if there has been a Jeanne d'Arc, it is because there was a Charles VII.; the fate of France could have depended on the hand of a woman only under a king who had not the head of a man!" At these words the republican revolutionists, who were as weak and timid as their accusers were inconsistent, took the red caps which covered their heads, and hid them under their garments, like schoolboys detected in disobedience, and hoping by submission to disarm the anger of their master.

Thus terminated, almost without opposition, a political drama which was played out without presenting one truly great achievement. Nevertheless, women had given admirable examples to France during the last four years, but it was only on special occasions—as at the festival of the confederation, or at the storming of the Bastille; and it was especially under the title of comforter, mediator, victim, wife, or mother. What was their energetic and admirable sally on the 5th and 6th of October, but a maternal impulse? They rallied for bread for their children; "no more starving," cried they, as they returned: "*we bring the baker, his wife, and the baker's man.*" Except in these days of sublime enthusiasm, and the actions proceeding only from the heart, which are the poetry of politics, but not politics, the interference of women has proved either fatal, useless, or ridiculous.

The impartial study of history, taken in connexion with the opinions advanced by Condorcet, seems to us to decide the question, that women are not made to be statesmen, and every attempt at political emancipation will retard, as we have seen plainly enough in 1848, their legitimate emancipation in the family.

Our task is ended; we have examined the principal phases in the life of women, in their characters as daughters, wives, mothers, and women, comparing the past with the present,

and seeking to penetrate the future—in a word, demonstrating the evil, proposing the remedy, and foretelling the benefits.

What principle has served us as a guide? Equality, yet difference. In the name of this principle, what improvements have we asked for in the laws and customs? Just these:

For daughters: reform in education; laws for seduction; postponement of the marriageable age; personal interference of the betrothed parties in the execution of the marriage contract; abolition of the “respectful protest,” which is an insult to the father, and an injustice to the child.

For wives: legal age—majority; the management of, and the right to dispose of, their own property; the right to go to law without the consent of their husbands; limitation of the husband’s power over the person of his wife; creation of a family council to decide such questions.

For mothers: right of direction; right of education; right of consent to the marriage of their children; a law for the investigation of paternity; creation of a family council, to arrange serious disagreements between father and mother.

For women: admission to guardianship, and the family council; admission to the professions; admission, within certain limits as to capability and duty, to public offices.

Ultra reformers will find that we ask very little, while the admirers of antiquity will think we demand too much; and this assures us that we ask just enough. It is not a question of revolution, but of continual and unceasing progress; *posterior dies prioris est discipulus*, “to-day is the pupil of yesterday.”

Our feeble voice, whilst pleading this cause, is only the echo of that great voice of nature which has resounded unceasingly through all the ages, demanding the progressive emancipation of women, that is—the perfection of the family. In truth, their destinies are united by an indissoluble tie. The more elevated the position of woman, the more powerful and refined will be the family. Emancipate the one, and you establish the other.

We ask no sweeter recompense for our labor than the hope that we have brought our stone, however small, to assist in the structure of this eternal yet progressive institution, which existed before society, and will survive it ; which has been the strength and centre of civilization, and yet has survived the most fatal subversion of empires ;—a holy ark, floating over the deluge of waters, as the only imperishable wreck of perishable society !

THE END.



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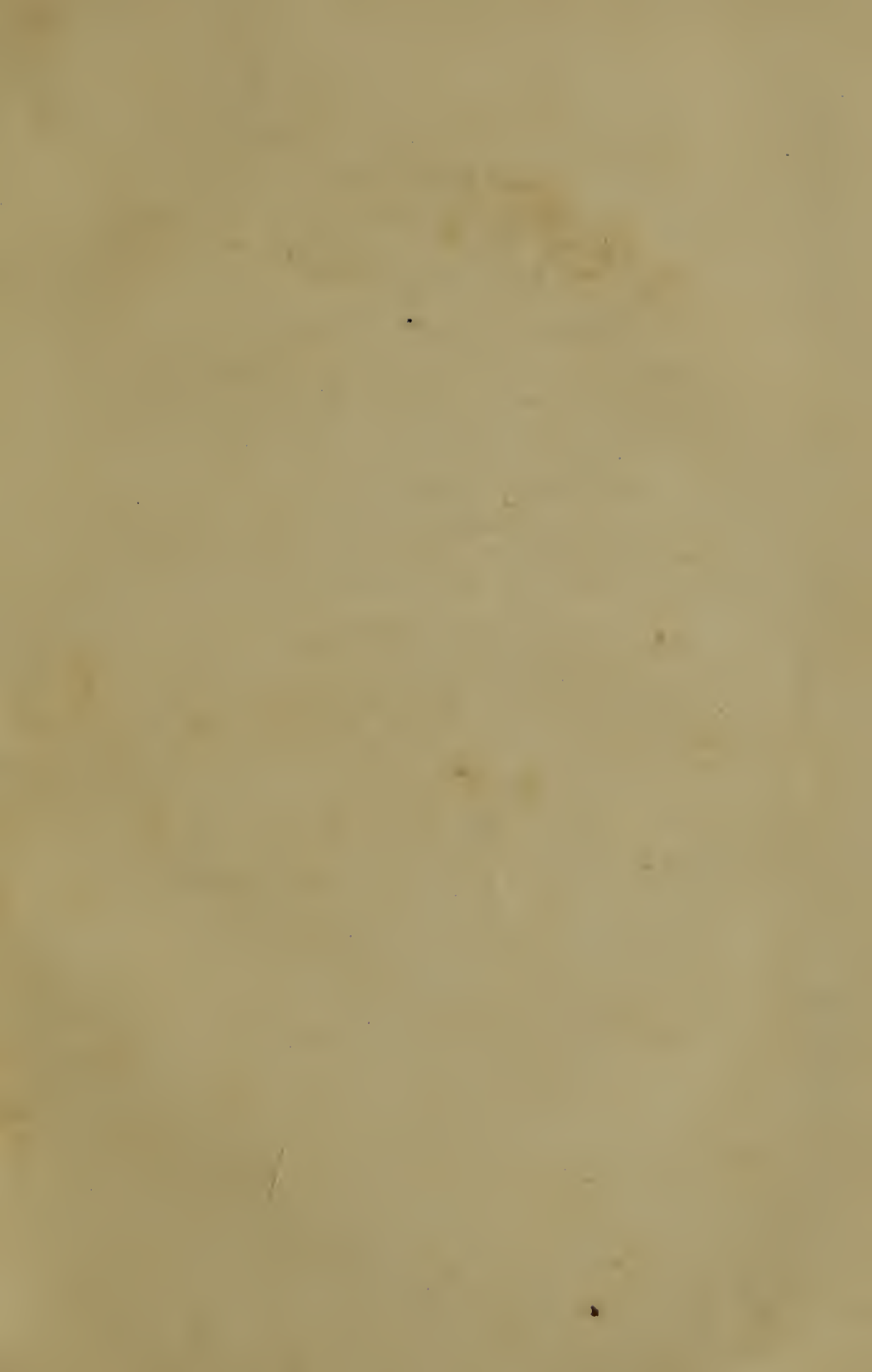
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